

**CALIFORNIA WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

2375 Northside Drive, Suite 100, San Diego, CA 92108
Phone (619) 516-1990 Fax (619) 516-1994
www.waterboards.ca.gov/sandiego

ORDER NO. R9-2017-0179

**WASTE DISCHARGE REQUIREMENTS
FOR
BALDWIN & SONS**

**VILLAGE TWO SOUTH PROJECT
SAN DIEGO COUNTY**

The following Discharge is subject to waste discharge requirements as set forth in this Order:

Table 1. Discharger Information

Discharger	Baldwin & Sons
Name of Project	Village Two South
Project Address	Intersection of Heritage Road and Santa Victoria Road, just South of Olympic Parkway, Chula Vista, CA
CIWQS Party Number	822772

Discharges by Baldwin & Sons from the discharge points identified below are subject to the waste discharge requirements set forth in this Order:

Table 2. Discharge Location

Discharge Point	Discharge Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
Refer to Attachment A for a map of all discharge locations	Clean Fill	32.609633	-116.992594	Unnamed tributary of Wolf Canyon Creek, tributary to Otay River

Table 3. Administrative Information

This Order was adopted by the California Regional Water Quality Control Board, San Diego Region on:	December 13, 2017
This Order shall become effective on:	December 13, 2017

I, David W. Gibson, Executive Officer, do hereby certify that this order is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Diego Region, on December 13, 2017.



David W. Gibson
Executive Officer

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ATTACHMENT A: PROJECT SITE MAPS

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I. PROJECT INFORMATION

The following Project is subject to waste discharge requirements set forth in this Order:

Table 4. Project Information

Discharger	Baldwin & Sons
Name of Project	Village Two South
Project Address	Intersection of Heritage Road and Santa Victoria Road, just South of Olympic Parkway, Chula Vista, CA
Project Contact, Title, and Phone	Stephen Haase, Senior Vice President, (619) 515-9109
Mailing Address	610 West Ash Street, Suite 1500, San Diego, CA 92101
Type of Project	Housing Development
CIWQS Place Number	822772
WDID Number	9 000003010

II. FINDINGS

The California Regional Water Quality Control Board, San Diego Region (hereinafter San Diego Water Board) finds:

- A. **Report of Waste Discharge.** Baldwin & Sons (hereinafter Discharger) submitted a Report of Waste Discharge (ROWD) to construct the Village Two South Project (Project), located in San Diego County on February 29, 2016. Additional information to complete the ROWD application was received on September 29, 2016, November 17, 2016, January 18, 2017, and April 18, 2017. The ROWD was deemed complete on May 18, 2017. The Discharger proposes to discharge fill material to waters of the State associated with construction activity at the Project site.
- B. **Project Location.** The proposed Project is a housing development on a 327-acre site that will develop 251.6 acres of land to include 1,400 single and multifamily for-sale housing and rental apartments, 33 acres of industrial land, public facilities, and infrastructure improvements. The Project is located south of Olympic Parkway, west of La Media Road, east of the Otay Landfill, and north of Wolf Canyon in the City of Chula Vista, San Diego County, California. The Project is located within the Otay Mesa US Geological Survey 7.5-minute quadrangle maps. Attachment A of this Order provides the location of the Project.
- C. **Receiving Waters.** The Project site contains a total of 1.27 acres and 10,210 lineal feet of surface waters of the State. The receiving waters in the vicinity of the Project are tributary to Wolf Canyon Creek. The Project area lies within the Otay Hydrologic Unit, Otay Valley Hydrologic Area (HA)(910.20). Land use in the Project area is a mixture of undeveloped vacant land, the Otay Landfill, and recently

developed residential communities.

- D. **Overall Project Purpose.** The purpose of the proposed Project is to construct residential housing, associated amenities (including schools and parks, commercial/industrial development, and circulation element roadways within the southern portion of Otay Ranch (including the northern portion of Wolf Canyon), in the City of Chula Vista. The Discharger reports that the development will support the expected population growth of the region and provide economic benefits to the City of Chula Vista in terms of property and sales tax revenue. Development of Village Two South includes the extension of Heritage Road, which is required to connect the village to Village Three, just south and west of the proposed Project. Heritage Road will then connect to Main Street, providing the necessary road infrastructure needed to support the developing region. (See Project Site Maps, Attachment A).

The Village Two South Project site encompasses 327 acres with approximately 250 acres that will be disturbed for grading, remedial grading, and construction. In addition to the paved road and haul routes, the construction area includes materials storage areas, areas for utility construction, and post-construction of Best Management Practices (BMPs) for storm water treatment. The Project adds approximately 90 acres of impervious surfaces. More details about the Project and Project impacts are described in the Information Sheet in Attachment B of this Order.

- E. **Project Impacts.** This Order authorizes the discharge of fill material with a total of 0.15 acre (4,921 linear feet) of permanent impacts to waters of the State attributed to the Project and no temporary impacts to waters of the State in the Otay Valley HA.
- F. **Project Mitigation.** The Discharger reports that compensatory mitigation to offset permitted Project impacts will be achieved off-site through the re-establishment of 1.8 acres of stream channel waters of the United States and/or State and establishment of 0.23 acre of wetland waters of the United States and/or State. Mitigation for discharges of fill material to waters of the State will be completed by the Applicant at the Otay River Restoration Project (Restoration Project) located in the Otay hydrologic sub-area (HSA 910.20) at a minimum compensation ratio of 13.53:1 (area mitigated:area impacted) for stream channel impacts. Detailed written specifications and work descriptions for implementing the Restoration Project including, but not limited to, the geographic boundaries of the project, timing, sequence, monitoring, maintenance, ecological success performance standards and provisions for long-term management and protection of the mitigation areas are described in the *Village 2 South Addendum to the Otay River Restoration Project Final Habitat Mitigation and Monitoring Plan* (Mitigation Plan), dated May 2017. Based on all of these considerations, the Mitigation Plan will adequately compensate for the loss of beneficial uses and habitat within waters of the State attributable to the Project. Additional details

describing the Restoration Project and Mitigation Plan are contained in the Information Sheet in Attachment B of this Order. Figures illustrating the mitigation site are provided in Attachment C of this Order.

- G. Regulatory Authority and Reason for Action.** By letter dated November 17, 2016, the U.S. Army Corps of Engineers (USACE) determined that the Otay Village Two South Project does not contain waters of the United States based on the Approved Jurisdictional Delineation (JD) Form, dated September 7, 2016,¹ and, therefore, does not require a permit under section 404 of the Clean Water Act.²

However, surface waters affected by the Project are “waters of the State.” That term is defined broadly in Water Code section 13050(e) as including “any surface or groundwater, including saline waters, within the boundaries of the State.” Aquatic features that qualify as waters of the State, include but are not limited to wetlands and ephemeral, intermittent, and perennial stream channels, in all flow conditions, and which may be effluent dominated and seasonally dry. Waste discharges to these waters are subject to State regulation under division 7 of the Water Code (commencing with section 13000). This Order is issued pursuant to Water Code section 13263, and establishes waste discharge requirements for the discharge of fill material, including structural material and/or earthen wastes from Project construction activities, to waters of the State. The waste discharge requirements of this Order are necessary to adequately address potential and anticipated impacts to waters of the State, and to ensure compliance with applicable water quality control plans and polices.

- H. Statement of Basis.** The San Diego Water Board developed the requirements in this Order based on information submitted as part of the ROWD and other available information. The Information Sheet in Attachment B of this Order contains background information and the supporting rationale for the requirements of this Order and is hereby incorporated into this Order and constitutes part of the findings for this Order.
- I. Water Quality Control Plan.** The San Diego Water Board adopted the *Water Quality Control Plan for the San Diego Basin* (hereinafter Basin Plan) on September 8, 1994 that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for Wolf Canyon Creek and other receiving waters addressed through the Plan.³ Subsequent revisions to the Basin Plan have also been adopted by the San Diego Water Board and approved by the State Water Resources Control Board (State Water Board). Beneficial uses applicable to the unnamed tributary

¹ Pursuant to Code of Federal Regulations (CFR), Title 33, Part 325.9

² Pursuant to 33 CFR Part 323.4

³ The Basin Plan is accessible on-line at:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/index.shtml

of Wolf Canyon Creek specified in the Basin Plan are as follows:

Table 5. Basin Plan Beneficial Uses of Wolf Canyon Creek

Discharge Points	Receiving Water Name	Beneficial Use(s)
	Unnamed tributary of Wolf Canyon Creek, tributary to Otay River	<p>Existing Beneficial Uses: Agricultural Supply; Non-Contact Water Recreation; Warm Freshwater Habitat; and Wildlife Habitat.</p> <p>Potential Beneficial Uses: Industrial Service Supply; and Contact Water Recreation</p>

This Order specifies waste discharge requirements that are necessary to adequately address effects on, and threats to, applicable water quality standards resulting from discharges attributed to the Project. Through compliance with the waste discharge requirements of this Order, the Project will not cause or contribute to an exceedance of State water quality standards.

J. Anti-Degradation Policy. The State Water Resources Control Board established California's anti-degradation policy in State Water Board Resolution No. 68-16 (Policy) which requires that existing quality of waters be maintained unless degradation is justified based on specific findings. Minimal water quality degradation may be allowed under the Policy only if any change in water quality is consistent with the maximum benefit to the people of the State; the degradation will not unreasonably affect present and anticipated beneficial uses; and the degradation will not result in violation of any applicable Water Quality Control Plan. Discharges must meet requirements that will result in the best practicable treatment or control to avoid pollution or a condition of nuisance. Consistent with the Policy, any degradation provides the maximum benefit to the people of the State. Construction of the housing development not only promotes jobs and provides a necessary accommodation to growth in San Diego County, but will set aside 145 acres for parks and public open space. Moreover, this Order contains waste discharge requirements to ensure present and future beneficial uses are maintained or enhanced through compensatory mitigation and monitoring requirements for authorized impacts to waters of the State. The waste discharge requirements employ best practicable treatment and control of any discharges to ensure and verify that the highest level of water quality is maintained consistent with the maximum benefit to the people of the State.

K. No Net Loss Policy. In 1993, the Governor of California issued the California Wetlands Conservation Policy (Executive Order W-59-93). Commonly referred to as the "No Net Loss Policy" for wetlands, the Executive Order requires state agencies to "ensure no overall net loss [of wetlands] and achieve a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values in California in a manner that fosters creativity, stewardship and respect for private property." This Order meets the objectives of Executive Order W-59-93 by requiring that the Project first avoid and then minimize adverse impacts on aquatic resources to the maximum extent practical. Any remaining unavoidable

adverse impacts on aquatic resources are offset by compensatory mitigation requirements which protect and restore the abundance, types and conditions of aquatic resources and support their beneficial uses.

- L. **California Environmental Quality Act.** The City of Chula Vista is the lead agency (Lead Agency) under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)). The Lead Agency certified a Final Supplemental Environmental Impact Report (FSEIR) for the Otay Ranch Village Two Comprehensive Sectional Planning Area (SPA) Plan Amendment and filed a Notice of Determination (SCH # 2003091012) on November 19, 2014,⁴ under CEQA Guidelines title 14, California Code of Regulations. The Lead Agency determined the Project, without mitigation, will have a significant effect on the environment. Therefore, the FSEIR incorporates mitigation measures, including the mitigation measures identified in the 2006 EIR, that mitigate the Project's effects on the environment to less than significant. For those impacts the Lead Agency determined to be unavoidable impacts, the Lead Agency adopted a Statement of Overriding Considerations finding that the benefits of the project outweighed the impacts.

The San Diego Water Board is a responsible agency under CEQA for the purposes of issuing this Order. As a Responsible Agency, the San Diego Water Board is "responsible for considering only the effects of those activities involved in a project which it is required by law to carry out or approve."⁵ The San Diego Water Board has reviewed and considered impacts to water quality in the Lead Agency's FSEIR and Statement of Overriding Considerations. The significant unavoidable environmental impact identified for biological resources that triggered the lead agency's adoption of the Statement of Overriding Considerations was not within the area of San Diego Water Board's responsibility. The San Diego Water Board concludes that impacts to water quality are less than significant with mitigation.

The Lead Agency adopted a mitigation monitoring and reporting program pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15097 to ensure that mitigation measures and revisions to the Project identified in the FSEIR are implemented. The Mitigation Monitoring and Reporting Program (MMRP) is included and incorporated by reference in Attachment D to this Order. The Discharger shall implement the Lead Agency's MMRP described in the FSEIR, as it pertains to resources within the San Diego Water Board's purview.

⁴ The Village Two Comprehensive SPA Plan Amendment (for which the Project in this Order is a portion of) was previously analyzed in the *Otay Ranch Villages Two, Three, and a Portion of Village Four Sectional Planning Area Plan Final Second-Tier Environmental Impact Report* and adopted by the Chula Vista City Council on June 4, 2006 (2006 EIR). The Final Supplemental Environmental Impact Report is a supplement to the 2006 EIR.

⁵ Public Resources Code section 21002.1(d)

This Order requires implementation WDRs and mitigation measures, including implementation of permittee responsible compensatory mitigation. The Order also requires the Discharger to comply with a monitoring and reporting program that will ensure that the mitigation measures are implemented and the requirements of this Order are met. The San Diego Water Board finds that compliance with the Lead Agency's MMRP and the conditions in this Order will reduce effects to water quality to less than significant because implementation of BMPs, compensatory mitigation, and monitoring requirements will ensure that the Project is in compliance with applicable water quality objectives. The San Diego Water Board will file a Notice of Determination in accordance with CEQA Guidelines section 15096 subdivision (i).

- M. **Executive Officer Delegation of Authority.** The San Diego Water Board by prior resolution has delegated all matters that may legally be delegated to its Executive Officer to act on its behalf pursuant to Water Code section 13223. Therefore, the Executive Officer is authorized to act on the San Diego Water Board's behalf on any matter within this Order unless such delegation is unlawful under Water Code section 13223 or this Order explicitly states otherwise.
- N. **Public Notice.** The San Diego Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. The San Diego Water Board has also provided an opportunity for the Discharger and interested agencies and persons to submit oral comments and recommendations at a public hearing. Details of the notification are provided in the Information Sheet provided in Attachment B of this Order.
- O. **Public Hearing.** The San Diego Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Information Sheet provided in Attachment B of this Order.

IT IS HEREBY ORDERED that, in order to meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, the Discharger shall comply with the requirements in this Order.

III. DISCHARGE PROHIBITIONS

- A. **Project Conformance with Application.** The discharge of waste, in a manner or location other than as described in the Report of Waste Discharge or findings of this Order, and for which valid waste discharge requirements are not in force is prohibited.

- B. **Waste Management.** Unless authorized by this Order, the discharge of sand, silt, clay, or other earthen materials from any activity in quantities which cause deleterious bottom deposits, turbidity, or discoloration in waters of the State or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.
- C. **Waste Management.** The treatment, storage, or disposal of waste in a manner that creates a pollution, contamination or nuisance, as defined by Water Code section 13050, is prohibited.
- D. **Waste Management.** The dumping, deposition, or discharge of waste directly into waters of the State, or adjacent to such waters in any manner which may permit it's being transported into the waters, is prohibited unless authorized by the San Diego Water Board.
- E. **Basin Plan Prohibitions.** The Discharger must comply with all applicable Discharge Prohibitions contained in Chapter 4 of the Basin Plan. All such prohibitions are incorporated by this reference into this Order as if fully set forth herein and summarized in section 5.0 of the Information Sheet in Attachment B of this Order.

IV. CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Approvals to Commence Construction.** The Discharger shall not commence Project construction until all necessary federal, State, and local approvals are obtained.
- B. **Personnel Education.** Prior to the start of the Project, and annually thereafter until construction is completed, the Discharger must educate all personnel on the requirements in this Order, including pollution prevention measures, spill response, and BMPs implementation and maintenance.
- C. **Spill Containment Materials.** The Discharger must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.
- D. **General Construction Storm Water Permit.** Prior to start of Project construction, the Discharger must, as applicable, obtain coverage under, and comply with, the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity*, (General Construction Storm Water Permit) and any reissuance. If Project construction activities do not require coverage under the General Construction Storm Water Permit, the Discharger must develop and implement a runoff management plan (or equivalent construction BMP plan) to prevent the discharge

of sediment and other pollutants during construction activities

- E. **Downstream Erosion.** Discharges of concentrated flow during construction or after completion of the Project must not cause downstream erosion or damage to properties or stream habitat.
- F. **Construction Equipment.** All equipment must be washed prior to transport to the Project site and must be free of sediment, debris, and foreign matter. All equipment used in direct contact with surface water shall be steam cleaned prior to use. All equipment using gas, oil, hydraulic fluid, or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (e.g., motors, pumps, generator, etc.) shall be positioned over drip pans or other types of containment.
- G. **Process Water.** Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or State or placed in locations that may be subjected to storm water runoff flows. Pollutants discharged to areas within a stream diversion must be removed at the end of each work day or sooner if rain is predicted.
- H. **Surface Water Diversion.** All surface waters, including ponded waters, must be diverted away from areas of active grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of the receiving water quality objectives. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
- I. **Re-vegetation and Stabilization.** All areas that have 14 or more days of inactivity must be stabilized within 14 days of the last activity. The Discharger shall implement and maintain BMPs to prevent erosion of the rough graded areas. After completion of grading, all areas must be re-vegetated with native species appropriate for the area. The re-vegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be accessed at <http://www.cal-ipc.org/ip/inventory/>.
- J. **Hazardous Materials.** Except as authorized by this Order, substances hazardous to aquatic life including, but not limited to, petroleum products, unused cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each Project activity involving hazardous materials.

- K. **Vegetation Removal.** Removal of vegetation must occur by hand, mechanically, or using United States Environmental Protection Agency (USEPA) approved herbicides deployed using applicable BMPs to prevent impacts to beneficial uses of waters of the State. Use of aquatic pesticides must be done in accordance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, *Statewide General National Pollutant Discharge Elimination System Permit For The Discharge Of Aquatic Pesticides For Aquatic Weed Control In Waters Of The United States General Permit No. CAG990005*, and any subsequent revisions or reissuance thereto.
- L. **Limits of Disturbance.** The Discharger shall clearly define the limits of Project disturbance to waters of the State using highly visible markers such as flag markers, construction fencing, or silt barriers prior to commencement of Project construction activities within those areas.
- M. **Beneficial Use Protection.** The Discharger must take all necessary measures to protect the beneficial uses of waters of Wolf Canyon Creek and its unnamed tributaries and the Otay River. This Order requires compliance with all applicable requirements of the Basin Plan. If at any time, an unauthorized discharge to waters of the State occurs or monitoring indicates that the Project is violating, or threatens to violate, water quality objectives, the associated Project activities shall cease immediately and the San Diego Water Board shall be notified in accordance with Reporting Requirement VIII.B of this Order. Associated Project activities may not resume without approval from the San Diego Water Board.

V. POST- CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Post-Construction Discharges.** The Discharger shall not allow post-construction discharges from the Project site to cause or contribute to on-site or off-site erosion or damage to properties or stream habitats.
- B. **Storm Drain Inlets.** All storm drain inlet structures within the Project boundaries must be stamped and/or stenciled with appropriate language prohibiting non-storm water discharges.
- C. **Post-Construction BMP Design.** The Project must be designed to comply with the requirements for priority development projects in section E.3 of the Regional MS4 Permit Order No. R9-2013-0001, National Pollutant Discharge Elimination Systems Permit and Waste Discharge Requirements for Discharges of Urban Runoff from the MS4s Draining the Watersheds within the San Diego Region (Regional MS4 Permit) as well as the most current BMP Design Manual for the City of Chula Vista. Where conflict exists between the referenced documents the most stringent requirements shall apply.

D. Post-Construction BMP Maintenance. The post construction BMPs must be designed, constructed, and maintained in accordance with the most recent California Storm Water Quality Association (CASQA)⁶ guidance. The Discharger shall:

1. No less than two times per year, assess the performance of the BMPs to ensure protection of the receiving waters and identify any necessary corrective measures;
2. Perform inspections of BMPs, at the beginning of the wet season no later than October 1 and the end of the wet season no later than April 1, for standing water, slope stability, sediment accumulation, trash and debris, and presence of burrows;
3. Regularly perform preventative maintenance of BMPs, including removal of accumulated trash and debris, as needed to ensure proper functioning of the BMPs;
4. Identify and promptly repair damage to BMPs; and
5. Maintain a log documenting all BMP inspections and maintenance activities. The log shall be made available to the San Diego Water Board upon request.

VI. PROJECT IMPACTS AND COMPENSATORY MITIGATION

- A. Project Impact Avoidance and Minimization.** The Project must avoid and minimize adverse impacts to waters of the State to the maximum extent practicable.
- B. Project Impacts and Compensatory Mitigation.** Unavoidable Project impacts to Wolf Canyon Creek and its unnamed tributaries must not exceed the type and magnitude of impacts described in the table below. At a minimum, compensatory mitigation required to offset unavoidable permanent Project impacts to waters of the State must be achieved as described in the table below:

⁶ California Storm Water Quality Association (*California Storm Water BMP Handbook, New Development and Redevelopment 2003*), available on-line at: <http://www.cabmphandbooks.org/> [Accessed on January 15, 2012]

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation Ratio (area mitigated :area impacted)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (linear feet mitigated :linear feet impacted)
Permanent Impacts						
Stream Channel	0.15	4,921	1.80 Re-establishment ¹ 0.23 Establishment ³	12:1 ¹ 1.53:1 ³	275 ²	0.06:1 ²

1. Re-establishment of 0.57 acres (275 linear feet) of the main low-flow channel of the Otay River and 1.23 acres of adjacent Otay River active floodplain (10-year event; ordinary high water mark) within the "Pre-Bank Restoration Area" of the Restoration Project (see Attachment C, Figure 4, "Channel" and "Active Floodplain," respectively).
2. This Order authorizes a linear feet compensation ratio of less than 1:1. The Project's mitigation proposal is a part of a larger Restoration Project that will enhance, rehabilitate, and re-establish the physical, hydrological, and biological processes of aquatic resources in a manner that will preserve, enhance, and restore a suite of beneficial uses (WARM, WILD, RARE, and REC-2). The Restoration Project will restore the channel morphology of the river, previously degraded by sand and gravel extraction, and the riparian corridor with native vegetation that will provide an ecologically functional, self-sustaining wetland that will be resilient to a range of natural disturbances (i.e., drought, flood, etc.). The Restoration Project design also includes upstream enhancement of approximately 2.63 acres of riparian habitat along 6,495 linear feet of the Otay River mainstem from Savage Dam to the Restoration Site for the purpose of protecting the Restoration Project Site from re-infestation of invasive species (Phase I). The Village Two South Mitigation Area within the "Pre-Bank Restoration Area" of the Restoration Project has been designed as a discrete area that is an ecologically functional component within the Restoration Project. For this reason, the Village Two South Mitigation Area also includes re-establishment of 0.50 acres of high floodplain (25-year event); however, this area is not accepted as compensatory mitigation of Project impacts (see Attachment C, Figures 4 and 5). A linear-foot compensation ratio of less than 1:1 is accepted for this Project because the Restoration Project, in whole, will provide a high value, large-scale restoration and enhancement of 5,338 linear feet length of the Otay River, adding an additional 7,180 linear feet of secondary, tertiary, and tributary stream channels, in a large contiguous area of an in-watershed aquatic resource. Furthermore the specific design of the compensatory mitigation provided within the Village Two South Mitigation Area is ecologically functional.
3. Establishment of a seasonal pond within the "Pre-Bank Restoration Area" (Phase 2) of the Restoration Project Site (see Attachment C, Figure 4, "Seasonal Pond"). The seasonal pond will be created within the 10-year high floodplain and will supplement existing onsite ponds creating a complex that will provide emergent habitat and water in an otherwise dry system.

C. Compensatory Mitigation Plan Implementation. The Discharger must fully and completely implement the Mitigation Plan; any deviations from, or revisions to, the Mitigation Plan must be pre-approved by the San Diego Water Board.

- D. Performance Standards.** Compensatory mitigation required under this Order shall be considered achieved once it has met the ecological success performance standards contained in the Mitigation Plan (Section 6.4, beginning on page 6-5) to the satisfaction of the San Diego Water Board.
- E. Compensatory Mitigation Site Design.** The compensatory mitigation site(s) shall be designed to be self-sustaining once performance standards have been achieved. This includes minimization of active engineering features (e.g., pumps) and appropriate siting to ensure that natural hydrology and landscape context support long-term sustainability in conformance with the following conditions:
1. Most of the channels through the mitigation sites shall be characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;
 2. As viewed along cross-sections, the channel and buffer area(s) shall have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope shall contain physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and
 3. The mitigation sites shall have a well-developed plant community characterized by a high degree of horizontal and vertical interspersions among plant zones and layers.
- F. Long-Term Management and Maintenance.** The compensatory mitigation site(s) must be managed, protected, and maintained, in perpetuity, in conformance with the long-term management plan and the final ecological success performance standards identified in the Mitigation Plan. The aquatic habitats, riparian areas, buffers and uplands that comprise the mitigation site(s) must be protected in perpetuity from land-use and maintenance activities that may threaten water quality or beneficial uses within the mitigation area(s) in a manner consistent with the following requirements:
1. Any maintenance activities on the mitigation site(s) that do not contribute to the success of the mitigation site(s) and enhancement of beneficial uses and ecological functions and services are prohibited;
 2. Maintenance activities must be limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species, and remedial measures deemed necessary for the success of the compensatory mitigation project;
 3. The Mitigation site(s) must be maintained, in perpetuity, free of untreated perennial exotic plant species including, but not limited to, pampas grass,

giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the mitigation site(s); and

4. If at any time a catastrophic natural event (e.g., fire, flood) causes damage(s) to the mitigation site(s) or other deficiencies in the compensatory mitigation project, the Applicant must take prompt and appropriate action to repair the damage(s) including replanting the affected area(s) and address any other deficiencies. The San Diego Water Board may require additional monitoring by the Applicant to assess how the compensatory mitigation site(s) or project is responding to a catastrophic natural event.

G. Timing of Mitigation Site Construction. The construction of proposed mitigation must be concurrent with project grading and completed no later than 12 months following the start of Project construction. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10% of the cumulative compensatory mitigation for each month of delay.

H. Mitigation Site(s) Preservation Mechanism. Within 120 days from the issuance of this Order, the Applicant must provide the San Diego Water Board with a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. **Within 5 years of the start of Project construction,** the Applicant must submit proof of a completed final preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation properties must be adequate to demonstrate that the sites will be maintained without future development or encroachment on the sites which could otherwise reduce the functions and values of the sites for the variety of beneficial uses of waters of the United States and/ or State that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the sites. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

VII. RECEIVING WATER LIMITATIONS

- A. The receiving water limitations set forth below for Wolf Canyon Creek and its unnamed tributaries and the Otay River are based on applicable water quality standards contained in the Basin Plan and applicable federal regulations and are a required part of this Order. Project activities shall not cause or contribute to violation of these receiving water limitations.

1. **Water Quality Objectives.** Water Quality Objectives applicable to Wolf Canyon Creek and its unnamed tributaries and the Otay River are established in Chapter 3 of the San Diego Water Board's Water Quality Control Plan for the San Diego Basin (Basin Plan) and shall not be exceeded.
2. **Priority Pollutant Criteria.** Priority pollutant criteria applicable to the Wolf Canyon Creek and its unnamed tributaries and the Otay River promulgated by the USEPA through the a) National Toxics Rule (NTR) (40 CFR 131.36 promulgated on December 22, 1992 and amended on May 4, 1995) and b) California Toxics Rule (CTR) (40 CFR 131.38, (65 Fed. Register 31682-31719), adding section 131.38 to title 40 of the Code of Federal Regulations, on May 18, 2000), shall not be exceeded.

VIII. REPORTING REQUIREMENTS

- A. **Discharge Commencement Notification.** The Discharger must notify the San Diego Water Board in writing at least 5 days prior to the start of initial Project construction ground disturbance activities.
- B. **Representative Monitoring.** Samples and measurements taken for the purpose of monitoring under this Order shall be representative of the monitored activity.
- C. **Monitoring Reports.** Monitoring results shall be reported to the San Diego Water Board at the intervals specified in section VIII of this Order.
- D. **Monitoring and Reporting Revisions.** The San Diego Water Board may make revisions to the monitoring program at any time during the term of this Order and may reduce or increase the number of parameters to be monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.
- E. **Records of Monitoring Information.** Records of monitoring information shall include:
 1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and
 6. The results of such analyses.

- F. California Rapid Assessment Method.** California Rapid Assessment Method (CRAM)⁷ monitoring must be performed to assess the current and potential ecological conditions (ecological integrity) of the proposed compensatory mitigation site(s). These conditions reflect the overall level of ecological function of aquatic resources. The Applicant shall conduct a quantitative function-based condition assessment of the aquatic resources (e.g., standard/episodic riverine, depressionnal, and vernal pools, as appropriate) by a trained practitioner to establish pre-project baseline conditions, and assess the mitigation site(s) progress towards and final meeting of CRAM success criteria.
- 1. CRAM Monitoring Plan.** Prior to initiating Project construction, the Applicant shall develop and submit a CRAM Monitoring Plan to the San Diego Water Board for review and acceptance. The CRAM Monitoring Plan must identify quantitative performance standards (include CRAM metric goals for all metrics), appropriate reference site(s) location(s), and assessment areas (include a minimum of three pools of individual and vernal pool systems, as appropriate).
 - 2. Monitoring Frequency.** CRAM monitoring must be conducted prior to the start of the Project construction authorized under this Certification at the impact site and compensatory mitigation site(s) and at years 3 and 5 at the compensatory mitigation site(s) following construction completion for a period of at least 5 years. If the final performance standards are not met at the compensatory mitigation site by year 5, CRAM monitoring will continue on an annual basis until performance standards are met.
 - 3. Data Storage.** All CRAM assessment data shall be uploaded to the CRAM Wetlands website.⁸
 - 4. Monitoring Reports.** The CRAM monitoring results shall be submitted with the respective Annual Project Progress Reports. Additionally, an evaluation, interpretation, and tabulation of all CRAM assessment data, including impact site data, compensatory mitigation site(s) data, and reference site data, shall be submitted with the Year 5 Annual Project Progress Report, and any subsequent reports if required.
- G. Benthic Macroinvertebrate Community Analysis.** The Applicant shall conduct bioassessment monitoring, as described in this section, to assess the success of mitigation areas, whenever applicable, using benthic macroinvertebrate community data. Bioassessment shall include: 1) the collection and reporting of benthic macroinvertebrate data; and 2) the collection and reporting of physical

⁷ The most recent versions of the California Rapid Assessment Method (CRAM) Field Books for Episodic Riverine, Depressionnal, and Individual Vernal Pool/Vernal Pool Systems and additional information regarding CRAM can be accessed at <http://www.cramwetlands.org/>

⁸ The California Wetlands Monitoring Workgroup maintains EcoAtlas, an interactive publicly available mapping tool that provides wetland condition information. CRAM data can be entered at the following website: <http://www.cramwetlands.org/dataentry>.

habitat data. Bioassessment using benthic macroinvertebrates shall be conducted in wadeable streams during the appropriate index period based on stream type:

Scenario	Typical sampling period
Nonperennial stream in a typical year	March 1 through May 1
Nonperennial stream in a dry year	February 15 through April 15
Nonperennial stream in a wet year	April 15 through July 15
Perennial stream in a typical year	May 15 through July 15
Perennial stream in a dry year	April 15 through June 15
Perennial or high-elevation stream in wet year*	June 15 through August 15

* where snow or meltwater is a concern

Wadeable streams shall be defined as streams that can be safely waded in order to be sampled for benthic invertebrates during the appropriate index period and baseflow conditions. If there is uncertainty regarding the appropriate sampling period, please contact the San Diego Water Board.

- 1. Field Methods.** Bioassessment monitoring must be performed using the most recent SWAMP field methods specified in *Standard Operating Procedures for the Collection of Field Data for Bioassessment of California Wadeable Streams: Benthic Macroinvertebrates, Algae, and Physical Habitat, SOP 004, May 2016* (SOP SB-2016-0001, Ode et al. 2016)⁹ or any updates of these methods. The Applicants shall conduct, concurrently with all required benthic macroinvertebrate collections, the "Full" suite of physical habitat characterization measurements as specified in the SOP.
- 2. Laboratory Methods.** Benthic macroinvertebrates shall be identified using the SWAMP laboratory methods specified in *Standard Operating Procedures for Laboratory Processing and Identification of Benthic Macroinvertebrates in California* (Laboratory SOP, Woodard et al. 2012)¹⁰ or any updates of these methods. Standard Taxonomic Effort (STE) Level II or IIa of the Southwestern Association of Freshwater Invertebrate Taxonomists (SAFIT) is required. Quality control samples are required for 10% of the samples each year and quality assurance samples must be analyzed by the Aquatic Bioassessment Laboratory of the California Department of Fish and Wildlife.

⁹ The SOP can be found electronically at the following location:

https://www.waterboards.ca.gov/water_issues/programs/swamp/bioassessment/docs/combined_sop_2016.pdf

¹⁰ The Laboratory SOP can be found electronically at the following location:

https://www.waterboards.ca.gov/water_issues/programs/swamp/docs/bmi_lab_sop_final.pdf

3. **Data Analysis.** Analysis of benthic macroinvertebrate data shall be conducted using scoring tools including but not limited to the *California Stream Condition Index* (CSCI, Mazor et. al., 2017, SWAMP-TM-2015-0004)¹¹.
 4. **Data Storage.** Benthic macroinvertebrate data and physical habitat data shall be submitted to the California Environmental Data Exchange Network (CEDEN). Benthic macroinvertebrate data and physical habitat data shall be submitted to the California Environmental Data Exchange Network (CEDEN)¹² within 1 year of sample collection.
 5. **Monitoring Sites.** All monitoring sites shall be approved by staff at the San Diego Water Board before sampling is initiated and must meet the following conditions:
 - a. **Mitigation Sites.** At a minimum, bioassessment monitoring for mitigation areas must be performed at three sites (assessment stations) in the Otay River before Project initiation, and then in years three and five following start of Project construction, during the established “index period” for the Otay watershed. The first assessment station is the mitigation site reference station, which must be located upstream of the mitigation site(s) in a reference area; the second assessment station must be located within the mitigation site(s); and the third assessment station must be located downstream of the mitigation site(s). The reference station upstream of the mitigation site(s) must be located and sampled concurrently with the second and third assessment stations. Reference stations shall be defined as stations that show minimally disturbed conditions.
 6. **Monitoring Reports.** An evaluation, interpretation and tabulation of the benthic macroinvertebrate community analysis must be submitted with the respective Annual Project Monitoring Report.
- H. **Jurisdictional Delineation.** In order to demonstrate that the Project has provided the quantity of compensatory mitigation in terms of acreage and linear feet required in section VI.B, the Discharger shall perform a jurisdictional delineation of the Permittee Responsible Mitigation for the Village Two South Project. The delineation shall be performed using the methodology set forth in the 1987 *U.S. Army Corps of Engineers Wetland Delineation Manual* and the 2008 *Regional Supplement to the U.S. Army Corps of Engineers Wetland Delineation Manual: Arid West Region* and the lateral limits of non-wetland waters using the 2008 *Field Guide to the Identification of the Ordinary High*

¹¹ Instructions for calculating scores for the *California Stream Condition Index* can be found electronically at the following location:

https://www.waterboards.ca.gov/water_issues/programs/swamp/bioassessment/docs/csci_scoring_instruct.pdf

¹² The California Environmental Data Exchange Network can be found electronically at the following location:

<http://www.ceden.org/>

Water Mark (OHWM) in the Arid West Region of the Western United States Delineation Manual by the end of year 5. Using the jurisdictional delineation, the Discharger shall demonstrate that the compensatory mitigation provides the area of each aquatic resource type, as described in section VI.B, and both wetland vegetation and hydrology (Ordinary High Water Mark) are present. The jurisdictional delineation results must be submitted with the Year 5 Annual Project Progress Report.

- I. **Annual Project Progress Reports.** The Applicant must submit annual Project progress reports describing status of BMP implementation, compensatory mitigation, and compliance with all requirements of this Order to the San Diego Water Board prior to **March 1** of each year following the issuance of this Order, until the Project has reached completion. The Annual Project Progress Reports must contain compensatory mitigation monitoring information sufficient to demonstrate how the compensatory mitigation project is progressing towards accomplishing its objectives and meeting its performance standards. Annual Project Progress Reports must be submitted even if Project construction has not begun. The monitoring period for each Annual Project Progress Report shall be January 1st through December 31st of each year. Annual Project Progress Reports must include, at a minimum, the following:
 1. **Project Status and Compliance Reporting.** The Annual Project Progress Report must include the following Project status and compliance information:
 - a. The names, qualifications, and affiliations of the persons contributing to the report;
 - b. The status, progress, and anticipated schedule for completion of Project construction activities including the installation and operational status of best management practices project features for erosion and storm water quality treatment;
 - c. A description of Project construction delays encountered or anticipated that may affect the schedule for construction completion; and
 - d. A description of each incident of noncompliance during the annual monitoring period and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 2. **Compensatory Mitigation Monitoring Reporting.** Mitigation monitoring information must be submitted as part of the Annual Project Progress Report for a period of not less than five years, sufficient to demonstrate that the compensatory mitigation project has accomplished its objectives and met

ecological success performance standards contained in the Mitigation Plan. Following Project implementation the San Diego Water Board may reduce or waive compensatory mitigation monitoring requirements upon a determination that performance standards have been achieved. Conversely the San Diego Water Board may extend the monitoring period beyond five years upon a determination that the performance standards have not been met or the compensatory mitigation project is not on track to meet them. The Annual Project Progress Report must include the following compensatory mitigation monitoring information:

- a. Names, qualifications, and affiliations of the persons contributing to the report;
- b. An evaluation, interpretation, and tabulation of the parameters being monitored, including the results of the Mitigation Plan monitoring program, and all quantitative and qualitative data collected in the field;
- c. A description of the following mitigation site(s) characteristics:
 - i. Detritus cover;
 - ii. General topographic complexity;
 - iii. General upstream and downstream habitat and hydrologic connectivity; and
 - iv. Source of hydrology
- d. Monitoring data interpretations and conclusions as to how the compensatory mitigation project(s) is progressing towards meeting performance standards and whether the performance standards have been met;
- e. A description of the progress toward implementing a plan to manage the compensatory mitigation project after performance standards have been achieved to ensure the long term sustainability of the resource in perpetuity, including a discussion of long term financing mechanisms, the party responsible for long term management, and a timetable for future steps;
- f. Photo documentation of the mitigation site before and after mitigation site construction and to document annual progress of site performance. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf.

In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced;

- g. The results of the California Rapid Assessment Method (CRAM) monitoring required under section VIII.F of this Order;
 - h. The results of the Benthic Macroinvertebrate Community Analysis monitoring required under section VIII.G of this Order;
 - i. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results. This shall include an evaluation, interpretation, and tabulation of all California Rapid Assessment Method (CRAM) and benthic macroinvertebrate community assessment data collected throughout the term of mitigation implementation in accordance with section VIII.F and VIII.G of this Order;
 - j. The results of the jurisdictional delineation required under section VIII.H of this Order;
 - k. As-built drawings of the compensatory mitigation project site(s), no bigger than 11”X17”; and
 - l. A survey report documenting boundaries of the compensatory mitigation site(s).
- J. **Final Project Completion Report.** The Discharger must submit a Final Project Completion Report to the San Diego Water Board **within 30 days of completion of the Project.** The final report must include the following information:
- 1. Date of construction initiation;
 - 2. Date of construction completion;
 - 3. BMP installation and operational status for the Project;
 - 4. As-built drawings of the Project, no bigger than 11”X17”; and
 - 5. Photo documentation of implemented post-construction BMPs and all areas of permanent and temporary impacts, prior to and after project construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf.
- In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced.

- K. Reporting Authority.** The submittal of information required under this Order, or in response to a suspected violation of any condition of this Order, is required pursuant to Water Code sections 13267 and 13383. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit information pursuant to Water Code sections 13268 or 13385.
- L. Noncompliance Reports.** The Discharger must report to the San Diego Water Board any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the incident and its cause, the period of the noncompliance including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The San Diego Water Board may waive the above-required written report under this provision on a case by case basis if an oral report has been received within 24 hours.
- M. Hazardous Substance Discharge.** Except as provided in Water Code section 13271(b), any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the County of San Diego in accordance with California Health and Safety Code section 5411.5 and the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Government Code title 2, division 1, chapter 7, article 3.7 (commencing with section 8574.17), and immediately notify the State Water Board or the San Diego Water Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the Discharger is in violation of a Basin Plan prohibition.
- N. Oil or Petroleum Product Discharge.** Except as provided in Water Code section 13272(b), any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Government Code title 2, division 1, chapter 7, article 3.7 (commencing with section 8574.1). This requirement does not require

reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Clean Water Act section 311, or the discharge is in violation of a Basin Plan prohibition.

O. CEQA Mitigation Monitoring and Reporting Program (MMRP). The Discharger shall implement the Lead Agency's MMRP described in the *Final Supplemental Environmental Impact Report Mitigation Monitoring and Reporting Program*, dated August 2014, as it pertains to resources within the San Diego Water Board's purview. The Mitigation Monitoring and Reporting Program is included and incorporated by reference in Attachment D to this Order.

P. Signatory Requirements. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

1. For a corporation, by a responsible corporate officer of at least the level of vice president; or
2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

Q. Duly Authorized Representative. Applications, reports, or information submitted to the San Diego Water Board may be signed by a duly authorized representative of that person described in Reporting Requirement O above if:

1. The authorization is made in writing by a person described above;
2. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity; and
3. The written authorization is submitted to the San Diego Water Board.

If such authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the Project, a new authorization satisfying the above requirements must be submitted to the San Diego Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative.

- R. **Document Certification Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

- S. **Electronic Document Submittal.** The Discharger must submit all reports and information required under this Order in electronic format via e-mail to SanDiego@waterboards.ca.gov. Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to:

California Regional Water Quality Control Board
San Diego Region
Attn: R9-2017-0179:822772:lhonma
2375 Northside Drive, Suite 100
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers within the header or at the end of the subject line: R9-2017-0179:822772: lhonma

IX. PROVISIONS

- A. **Duty to Comply.** The Discharger must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the Water Code and is grounds for (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) denial of a report of waste discharge in application for new or revised waste discharge requirements.
- B. **Duty to Comply.** The Discharger must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the San Diego Water Board) to support this Order and all subsequent submittals required under this Order and as described herein. The conditions within this Order shall supersede conflicting provisions within such plans, specifications, technical reports and other submittals required under this Order.
- C. **Anticipated Noncompliance.** The Discharger shall give advance notice to the San Diego Water Board of any planned changes in the Project or the compensatory mitigation project which may result in noncompliance with the

terms and requirements of this Order.

- D. **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order.
- E. **Duty to Mitigate.** The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.
- F. **Property Rights.** This Order does not convey any property rights of any sort or any exclusive privileges. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.
- G. **Inspection and Entry.** The Discharger must allow the San Diego Water Board or the State Water Resources Control Board, and/or their authorized representative(s) (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to:
1. Enter upon the Project or Compensatory Mitigation site(s) premises, where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
 3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this Order; and
 4. Sample or monitor, at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the Water Code, any substances or parameters at any location.
- H. **Retention of Records.** The Discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. Records may be maintained electronically. This period may be extended during the course of any unresolved enforcement action or litigation regarding this

discharge or when requested by the San Diego Water Board.

- I. **Duty to Provide Information.** The Discharger shall furnish to the San Diego Water Board, within a reasonable time, any information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The Discharger shall also furnish to the San Diego Water Board, upon request, copies of records required to be kept by this Order.
- J. **Duty to Provide Updated Information.** When the Discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the San Diego Water Board, it shall promptly submit such facts or information.
- K. **Reopener Provision.** This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:
 1. Violation of any terms or conditions of this Order.
 2. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts.
 3. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the Discharger for the modification, revocation, reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

- L. **Reopener Provision.** The San Diego Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Discharger, if the San Diego Water Board determines that the Project fails to comply with any of the terms or requirements of this Order or if the results of the Project have unintended impacts to water quality.
- M. **Transfers of Responsibility.** This Order is not transferable in its entirety or in part to any person or organization except after notice to the San Diego Water Board in accordance with the following terms:
 1. **Transfer of Property Ownership** The Discharger must notify the San Diego Water Board of any change in ownership of the Project area. Notification of change in ownership must include, at a minimum, a statement that the Discharger has provided the purchaser with a copy of this Order and that the purchaser understands and accepts the Order requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such

notification to the San Diego Water Board within 10 days of the transfer of ownership.

2. **Transfer of Compensatory Mitigation Responsibility.** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Order must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13350. Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board within 10 days of the transfer date.
 3. **Transfer of Post Construction BMP Maintenance Responsibility.** The Discharger assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred the Discharger must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The Discharger must provide such notification to the San Diego Water Board within 10 days of the transfer of BMP maintenance responsibility.
- N. **Payment of Fees.** This Order is conditioned upon total payment of any fee required under California Code of Regulations, title 23 section 2200, and owed by the Discharger.
- O. **Order Availability.** A copy of this Order, the application, and supporting documentation must be available at the Project site during construction for review by site personnel and agencies. A copy of this Order must also be provided to the contractor and all subcontractors working at the Project site.
- P. **Enforcement Authority.** In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law.
- Q. **Investigation of Violations.** In response to a suspected violation of any condition of this Order, the San Diego Water Board may, pursuant to Water Code section 13267, require the Discharger to investigate, monitor, and report information on the violation. The only restriction is that the burden, including costs of preparing the reports, must bear a reasonable relationship to the need for and the benefits to be obtained from the reports.

X. NOTIFICATIONS

- A. These waste discharge requirements have not been officially reviewed by the United States Environmental Protection Agency and are not issued pursuant to CWA section 402.
- B. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.
- C. This Order becomes effective on the date of adoption by the San Diego Water Board.
- D. Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and the California Code of Regulations, title 23, sections 2050-2056 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after adoption of this order. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:
http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request

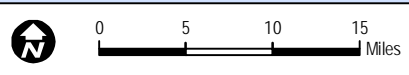
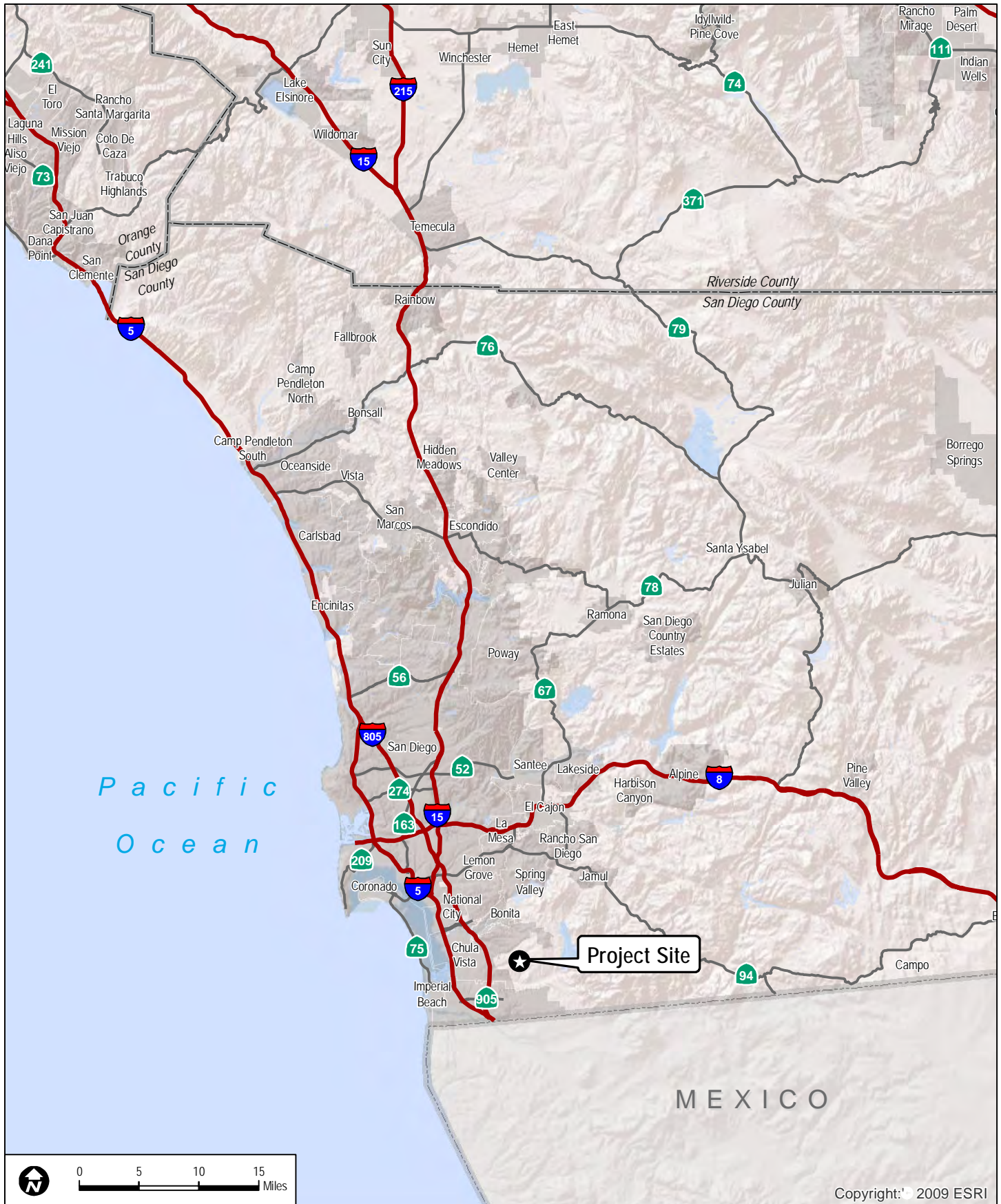
**ATTACHMENT A
PROJECT SITE MAPS**

Figure 1 – Regional Map

Figure 2 – Vicinity Map

Figure 3 – Hydrological Unit

Figure 4 – Impacts to RWQCB Waters of the State - Village Two South



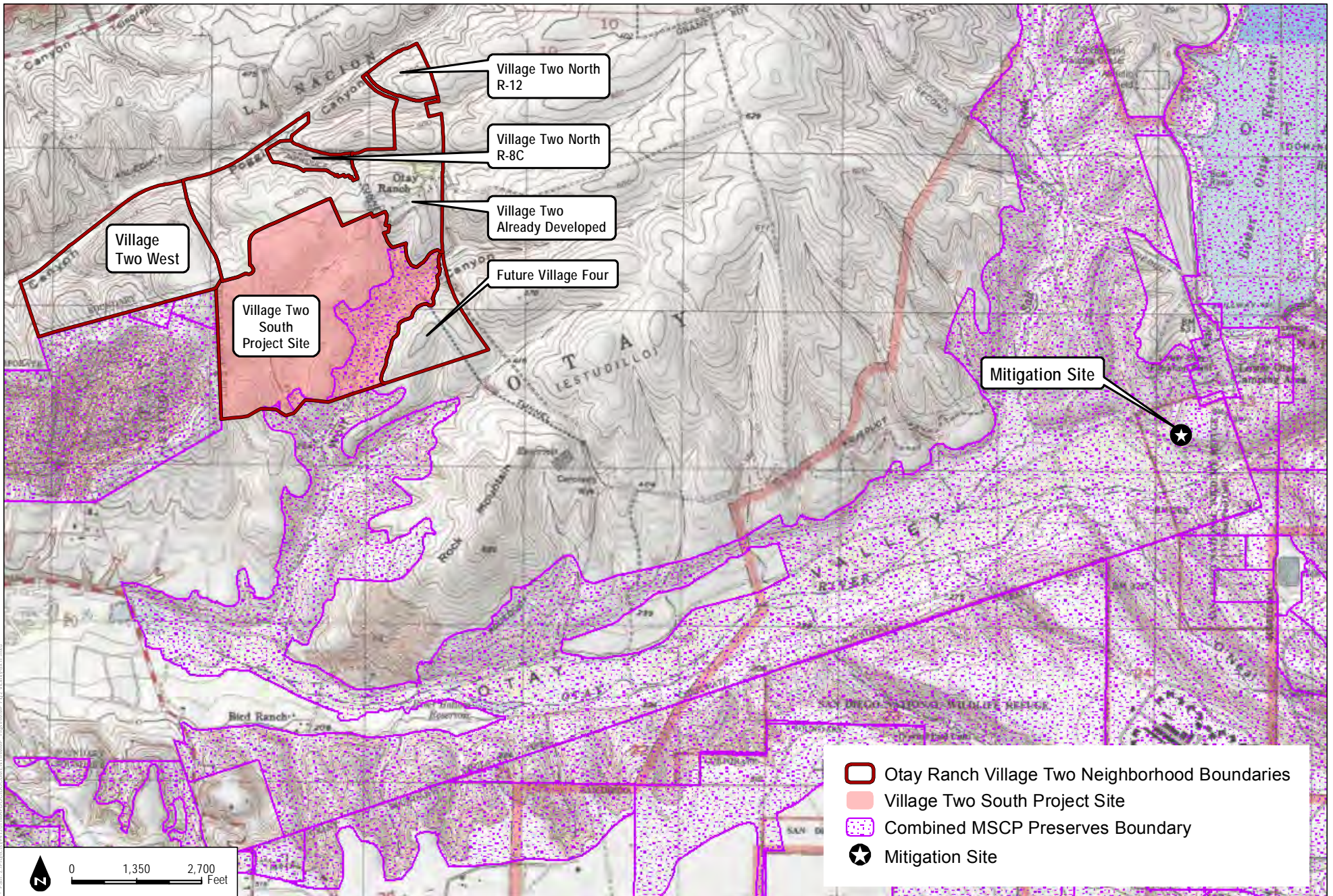
Copyright: 2009 ESRI

DUDEK

FIGURE 1
Regional Map

9415

Response to Regional Board for the Otay Ranch Village Two South Project



DUDEK

SOURCE: USGS 7.5-Minute Series Quadrangle.

9415
JULY 2016






Non-Wetland Waters Mitigation and Monitoring - Otay Ranch Village Two South Project

FIGURE 2
Vicinity Map






- Otay Ranch Village Two South Boundary
- Otay Ranch Village Two SPA Boundary
- Otay Valley, Hydrological Unit 910.2















FIGURE 3
Hydrological Unit

- Legend**
-  Otay Ranch Village Two SPA Boundary
 -  Otay Ranch Village Two South Boundary
 -  Limit of Existing Grading
 -  MSCP Boundary
 -  RWQCB Jurisdictional Waters of the State

RWQCB/CDFW Jurisdictional Non-wetlands Waters

-  Ephemeral
-  Intermittent
-  RWQCB/CDFW Jurisdictional Wetlands

Vegetation Communities/Land Covers::

-  AGL, Annual Grassland
-  AGR, Agriculture
-  CSS, Coastal Sage Scrub
-  DEV, Developed Land
-  DL, Disturbed Lands
-  FWM, Freshwater Marsh
-  MFS, Mulefat Scrub
-  MSS, Maritime Succulent Scrub
-  MSS/RVG, Maritime Succulent Scrub/Revegetation Area
-  NOT MAPPED, Not Mapped
-  SWS, Southern Willow Scrub
-  VGL, Valley Needlegrass Grassland
-  dCSS, Disturbed Coastal Sage Scrub
-  dMFS, Disturbed Mulefat Scrub

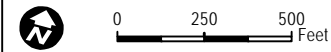
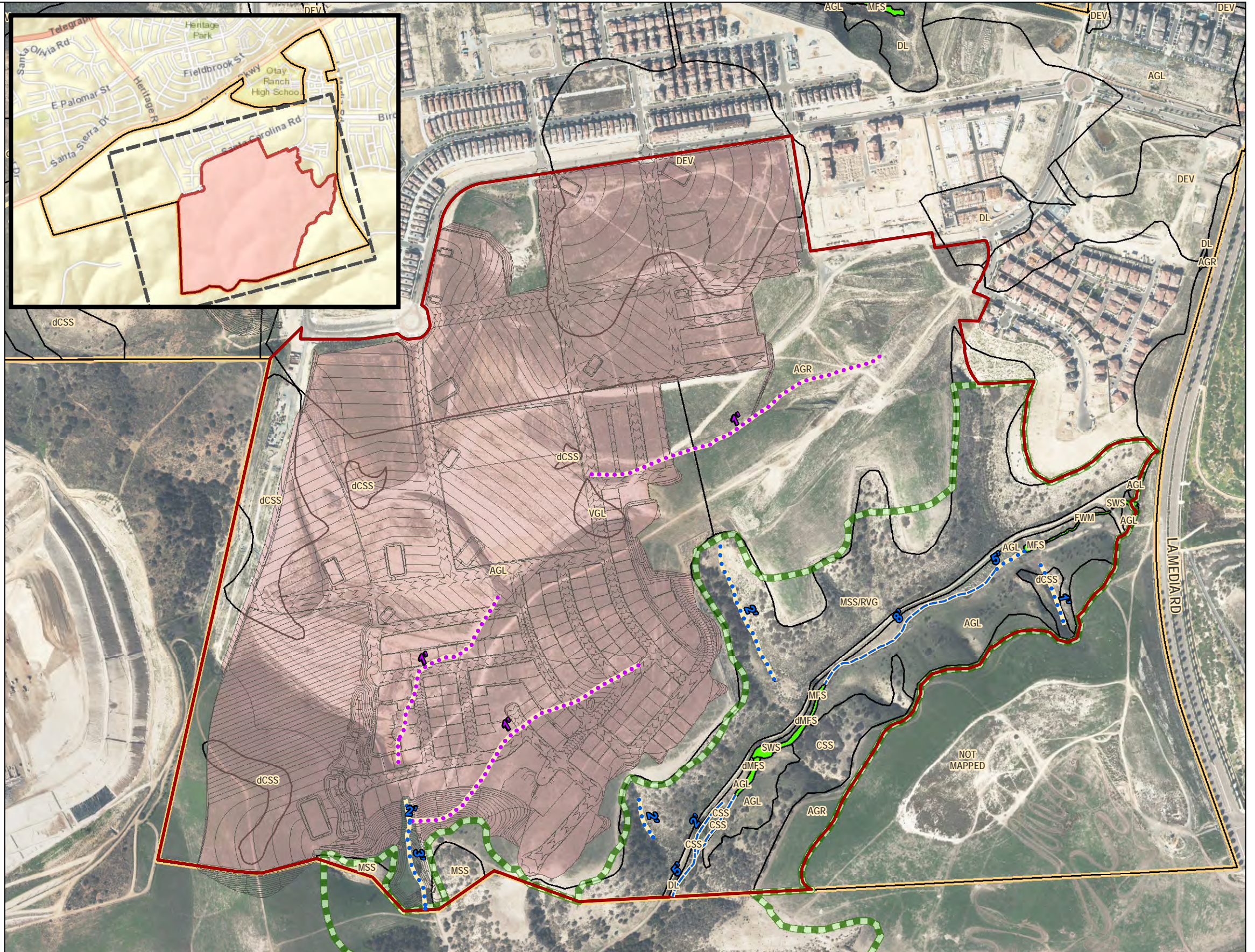


Figure 4 Impacts to RWQCB Waters of the State - Village Two South

**ATTACHMENT B
INFORMATION SHEET**

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1.0 Applicant

Baldwin & Sons
(Hereinafter Discharger)
610 West Ash Street, Suite 1500
San Diego, CA 92101

Contact:
Stephen Haase
610 West Ash Street, Suite 1500
San Diego, CA 92101
(619) 515-9109
smhaase@baldwinsons.com

2.0 Project Description

The proposed Project is a housing development on a 327-acre site comprised of 1,400 single and multi-family for-sale housing and rental apartments on 251.6 acres of land, 33 acres of industrial land, two public elementary schools, two public parks, and various roads and infrastructure, including several detention basins. The Project is located south of Olympic Parkway, west of La Media Road, east of the Otay Landfill, and north of Wolf Canyon in the City of Chula Vista, San Diego County, California. The Project is located within the Otay Mesa US Geological Survey 7.5-minute quadrangle maps.

The footprint for the Village Two South Project includes areas for grading and construction disturbance areas. In addition to paved roads, the construction area includes haul routes, materials storage areas, areas for utility construction, and areas for the construction of Best Management Practices (BMPs). The Project adds approximately 90 acres of impervious surface.

The Project will discharge waste (fill material) to a total of 0.15 acre of waters of the State (4,921 linear feet) resulting in permanent impacts to jurisdictional waters in the Otay Valley Hydrologic Area (HA)(910.20) as summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition only.

By letter dated November 17, 2016, the United States Army Corps of Engineers (USACE) determined that the Otay Village Two South Project site does not contain waters of the United States based on the Approved Jurisdictional Delineation (JD) Form, dated September 7, 2016, and, therefore the Project does not require a permit under section 404 of the Clean Water Act. The 0.15 acre of non-wetland waters was determined by the USACE to be outside of federal jurisdiction. These waters remain non-federal waters of the State, and discharges to these waters are thereby regulated pursuant to California Water

Code section 13260, *et. seq.*

Table 1: Jurisdictional Impact Summary

Jurisdiction Type	Permanent Impact		Temporary Impact	
	Area (acres)	Length (LF)	Area (acres)	Length (LF)
Surface Waters of the State (non-wetland; ephemeral)	0.15	4,921	0	0
Total	0.15	4,921	0	0

3.0 Regulatory Background

Section 13260(a) of the California Water Code (Water Code) requires that any person discharging waste or proposing to discharge waste within any region, other than to a community sewer system, which could affect the quality of the waters of the State, file a Report of Waste Discharge (ROWD). The discharge of dredged or fill material constitutes a discharge of waste that could affect the quality of waters of the State. Water Code section 13263(a) requires that Waste Discharge Requirements (WDRs) be prescribed as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge. Such WDRs must implement any relevant water quality control plans, taking into consideration beneficial uses to be protected, the water quality objectives reasonably required for those purposes, other waste discharges, the need to prevent nuisance, and the provisions of Water Code section 13241.

Construction activities associated with the proposed discharges of fill threaten beneficial uses on-site and downstream. The Discharger will file a Notice of Intent to the State Water Resources Control Board (State Board) for coverage under State Board Order No. 2009-0009-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit, For Storm Water Discharges Of Associated With Construction And Land Disturbance Activities* (Order No. 2009-0009-DWQ). The San Diego Water Board may conduct inspections to verify compliance with Order No. 2009-0009-DWQ, including, but not limited to, implementation of a storm water pollution prevention plan.

Since all federal waters can also be considered waters of the State, the State of California largely relies on section 401 of the federal Clean Water Act (CWA) (33 U.S.C. section 1341) to regulate discharges of dredged or fill material to waters of the State. That section requires an applicant to obtain “water quality certification” from California that the project will comply with State water quality standards before certain federal licenses or permits may be issued. Each water quality certification includes a condition of coverage with State Water Resources

Control Board's (State Water Board) General Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Dredge and Fill Discharges that have Received State Water Quality Certification*. Water Quality Order No. 2003-0017-DWQ is accessible on the State Water Board web site at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf.

In light of recent U.S. Supreme Court rulings, isolated waters, or waters lacking a significant nexus to a traditionally navigable waterbody, are no longer considered waters of the U.S. (i.e. federal waters), and therefore no longer require certification pursuant to section 401 of the CWA. In order to comply with the State's "No Net Loss" Policy for wetlands (Executive Order W-59-93), discharges of waste to these nonfederal, State wetlands are being regulated pursuant to California Water Code section 13260.

On November 17, 2016, the USACE determined the Project property contained no waters of the U.S. On February 29, 2016 and May 22, 2017, the Discharger submitted the required fees in accordance with the State Water Board's Dredge and Fill Fee Calculator, for discharges of fill associated with the Project to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). Pursuant to fee schedules currently set in CCR title 23, annual fees are required. By letter dated May 18, 2017, the San Diego Water Board informed the Discharger that the ROWD application was complete.

Order No. R9-2017-0179 serves as individual waste discharge requirements for discharges of fill to non-federal waters of the State.

4.0 California Environmental Quality Act

Before the San Diego Water Board can issue WDRs, the Project must have a final, valid environmental document meeting the criteria of the California Environmental Quality Act (CEQA). The CEQA document must fully disclose the potential significant adverse impacts of the project and identify measures to avoid, minimize, rectify, reduce or compensate for the impacts identified, including a monitoring and reporting program to ensure compliance with the proposed mitigation measures.

The City of Chula Vista (City) is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)). The City originally analyzed the Village Two Comprehensive Sectional Planning Area (SPA) Plan in 2006, when the Chula Vista City Council approved the *Otay Ranch Villages Two, Three, and a Portion of Village Four Sectional Planning Area Plan Final Second-Tier Environmental Impact Report* (2006 EIR) on June 4, 2006. As a supplement to the 2016 EIR, the City certified the *Final*

Supplemental Environmental Impact Report (FSEIR) for the Otay Ranch Village Two Comprehensive Sectional Planning Area (SPA) Plan Amendment, and filed a Notice of Determination (SCH # 2003091012) on November 19, 2014, under CEQA Guidelines title 14, California Code of Regulations. The City determined the Project, without mitigation, will have a significant effect on the environment. Therefore, the FSEIR incorporates mitigation measures, including the mitigation measures identified in the 2006 EIR, that mitigate many of the Project's effects on the environment to less than significant. For those impacts the Discharger determined to be unavoidable impacts, the City adopted a Statement of Overriding Considerations finding that the benefits of the project outweighed the impacts.

The Lead Agency has adopted a mitigation monitoring and reporting program pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15097 to ensure that mitigation measures and revisions to the Project identified in the FSEIR are implemented. The Mitigation Monitoring and Reporting Program (MMRP) is included and incorporated by reference in Attachment E to this Order. The Discharger must implement the Lead Agency's MMRP described in the FSEIR, as it pertains to resources within the San Diego Water Board's purview. .

As a Responsible Agency under CEQA, the San Diego Water Board will file a Notice of Determination in accordance with CEQA Guidelines section 15096 subdivision (i).

5.0 Water Quality Standards and Prohibitions

Section 303 of the federal Clean Water Act (33 U.S.C. section 1313) defines the term water quality standards as the uses of the surface waters, the water quality criteria which are applied to protect those uses, and an antidegradation policy.¹ A water quality standard defines the water quality goals for a water body by designating the use or uses to be made of the water body, by setting criteria to protect the uses, and by protecting water quality through non-degradation provisions. Under the Porter-Cologne Water Quality Control Act (California Water Code, division 7, chapter 2, section 13050), these concepts are defined separately as beneficial uses and water quality objectives. Beneficial uses and water quality objectives are required to be established for all waters of the State, both surface and ground waters.

The Project will affect waters of the State in the Otay Valley HA (910.20).

¹ Pursuant to the federal Clean Water Act, water quality standards are composed of three parts: (1) designated uses, e.g., protection of fish and wildlife, recreation and drinking water supply (40 CFR section 131.10); (2) numeric or narrative water quality criteria to protect those uses (40 CFR section 131.11); and (3) an antidegradation policy (40 CFR section 131.12).

The Water Quality Control Plan for the San Diego Basin (9) (Basin Plan), adopted on September 8, 1994 as amended, designates existing and potential beneficial uses for surface and ground waters within the San Diego Region. Beneficial uses within the project area are summarized in Table 2 below.

Table 2. Beneficial Uses of the Project Site Surface and Ground Waters

Beneficial Use	Description
<i>Existing</i>	
Agricultural Supply (AGR)¹	Uses of water for farming, horticulture, or ranching, including, but not limited to, irrigation, stock watering, or support of vegetation for range grazing.
Industrial Service Supply (IND)²	Uses of water for industrial activities that do not depend primarily on water quality, including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, and oil well repressurization.
Non-contact Water Recreation (REC2)¹	Uses of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tide pool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.
Warm Freshwater Habitat (WARM)¹	Uses of water that support warm water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.
Wildlife Habitat (WILD)¹	Uses of waters that support wildlife habitats, including, but not limited to, the preservation and enhancement of vegetation and prey species used by wildlife, such as waterfowl.
<i>Potential</i>	
Industrial Service Supply (IND)¹	Uses of water for industrial activities that do not depend primarily on water quality, including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, and oil well repressurization.
Contact Water Recreation (REC1)¹	Uses of water for recreational activities involving body contact with water where ingestion of water is reasonably possible. These uses include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, whitewater activities, fishing, and uses of natural hot springs.

¹ Beneficial Uses of Surface Water

² Beneficial Uses of Ground Water

The Basin Plan establishes Water Quality Objectives for surface waters within the Otay Valley HA as shown in Table 3 below.

Table 3. Water Quality Objectives for Surface Waters in the Otay Valley Hydrologic Area

Constituent	Concentration ^{a, b}
Total Dissolved Solids	1,000
Chloride	400
Sulfate	500
Percent Sodium	60
Nitrogen and Phosphorus	^c
Iron	0.3
Manganese	0.05
Methylene Blue-Activated Substances	0.5
Boron	0.75
Odor	none
Turbidity (NTU)	20
Color Units	20
Fluoride	1

- a. Concentrations not to be exceeded more than ten percent of the time during any one year.
- b. All units are mg/L unless otherwise noted.
- c. Concentrations of nitrogen and phosphorus, by themselves or in combination with other nutrients, shall be maintained at levels below those which stimulate algae and emergent plant growth. Threshold total Phosphorus (P) concentrations shall not exceed 0.05 mg/l in any stream at the point where it enters any standing body of water, or 0.025 mg/l in any standing body of water. A desired goal in order to prevent plant nuisances in streams and other flowing waters appears to be 0.1 mg/l total P. These values are not to be exceeded more than 10% of the time unless studies of the specific body in question clearly show that water quality objective changes are permissible and changes are approved by the San Diego Water. Analogous threshold values have not been set for nitrogen compounds; however, natural ratios of nitrogen to phosphorus are to be determined by surveillance and monitoring and upheld. If data are lacking, a ratio of N:P =10:1 shall be used.

The Basin Plan establishes water quality objectives for ground waters within the Otay Valley HA as shown in Table 4 below.

Table 4. Water Quality Objectives for Ground Waters in the Otay Valley Hydrologic Area

Constituent	Concentration ^{a, b}
Total Dissolved Solids	-
Chloride	-
Sulfate	-
Percent Sodium	-
Nitrate	-
Iron	-
Manganese	-
Methylene Blue-Activated Substances	-
Boron	-
Odor	none
Turbidity (NTU)	-
Color Units	-
Fluoride	-

- a. Concentrations not to be exceeded more than ten percent of the time during any one year.
- b. All units are mg/L unless otherwise noted.

The Basin Plan establishes the following Waste Discharge Prohibitions pursuant to California Water Code section 13243 applicable to the Discharge:

- Prohibition No. 1. The discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination, or nuisance as defined in California Water Code section 13050, is prohibited.
- Prohibition No. 2. The discharge of waste to land, except as authorized by waste discharge requirements or the terms described in California Water Code section 13264 is prohibited.
- Prohibition No. 3. The discharge of pollutants or dredged or fill material to waters of the United States except as authorized by an NPDES permit or a dredged or fill material permit (subject to the exemption described in California Water Code section 13376) is prohibited.
- Prohibition No. 7. The dumping, deposition, or discharge of waste directly into waters of the state, or adjacent to such waters in any manner which may permit it's being transported into the waters, is prohibited unless authorized by the San Diego Water Board.

- Prohibition No. 14. The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom deposits, turbidity or discoloration in waters of the state or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.

6.0 Basis for Waste Discharge Requirements

This Order establishes requirements for the discharge of wastes pursuant to division 7 of the California Water Code and article 4, title 23 of the California Water Code, and establishes mitigation and monitoring provisions based on best professional judgment. The waste discharge requirements, reporting requirements, and standard provisions in Order No. R9-2017-0179 are established in accordance with division 7 of the California Water Code. The discharge of fill material as regulated by this Order will not reduce water quality below applicable standards.

7.0 Compensatory Mitigation Measures

Compensatory mitigation for permanent impacts to non-wetland waters will be achieved through off-site permittee responsible mitigation, which will provide a) re-establishment of 1.8 acres of stream channel waters of the United States and/or State and b) establishment of 0.23 acre of wetland waters of the United States and/or State within the Otay River Restoration Project (Restoration Project). Attachment D of this Order shows the location and design of the permittee responsible mitigation site.

The Restoration Project is located immediately downstream of Savage Dam on Lower Otay Lake. The Restoration Project will restore approximately 100 acres on an approximately 1-mile long segment of the Otay River that was previously impacted by a mining operation. The Restoration Project will completely restore the channel morphology of the river through the re-establishment of primary and secondary flow channels and 10-year, 25-year and 100-year floodplains and remove invasive species and restore native riparian vegetation in the river corridor. Once completed and established, this restoration will provide a substantial uplift in the functions and services of the river. Additionally, the Restoration Project will eradicate invasive species from more than 1 mile of the existing riparian area of the Otay River between Savage Dam and the Restoration Project site.

Phased implementation of the proposed Restoration Project includes:

- Phase 1 – Upstream Enhancement Area/Invasive Species Removal
- Phase 2 – Pre-Bank Restoration Area/Restoration of Otay River Mainstem (Permittee Responsible Mitigation Area for the Otay Ranch Village Three Development, Otay Ranch Village 8 West, and Village Two South Projects)
- Downstream Future Mitigation Bank Area, restoration of the remaining parcel to provide compensatory mitigation for future projects

This Project's permittee responsible mitigation parcel is centrally located within the large, contiguous area of the Restoration Project and has been designed to be an intact stream channel segment that includes the re-establishment of the perennial to intermittent Otay River mainstem (1-year event, low flow channel), active floodplain (10-year event, ordinary high water mark), high floodplain (25-year event), and a narrow band of transitional riparian and Upland habitats. Additionally, a seasonal pond will be established in the northern active floodplain that will create a unique niche habitat within the river valley and increase the overall complexity of the site and the ecological services available.

Detailed written specifications and work descriptions for the compensatory mitigation project including, but not limited to, the geographic boundaries of the project, timing, sequence, monitoring, maintenance, ecological success performance standards and provisions for long-term management and protection of the mitigation areas are described in the *Village 2 South Addendum to the Otay River Restoration Project Final Habitat Mitigation and Monitoring Plan* (Mitigation Plan), dated May 2017. San Diego Water Board acceptance of the Mitigation Plan applies only to the Project described in this Order and must not be construed as approval for other current or future projects that are planning to use additional acreage at the site for mitigation. The Mitigation Plan is incorporated in this Order by reference as if set forth herein. The Mitigation Plan provides for implementation of compensatory mitigation which offsets adverse water quality impacts attributed to the Project in a manner that protects and restores the abundance, types and conditions of aquatic resources and supports their beneficial uses. Implementation of the Mitigation Plan will reduce significant environmental impacts to resources within the San Diego Water Board's purview to a less than significant level. Mitigation activities at the Restoration Project are expected to be successful based on the location, soil type, expected hydrology, and the use of plant species that occur on-site and are known to perform well in habitat restoration programs.

For the reasons above, it is anticipated that the proposed mitigation will adequately compensate for impacts to waters of the State associated with the discharge of fill material from the Project and for the loss of beneficial uses and habitat within waters of the State attributable to the Project. See Figure 4

Restoration Concept for Mitigation Site and Figure 5 Restoration Types for Mitigation Site in Attachment D of this Order.

Table 5, *Impact and Compensatory Mitigation Summary*, provides a summary of the jurisdictional impacts and conceptual mitigation approach.

Table 5. Impact and Compensatory Mitigation Summary

Jurisdiction Type	Permanent Impact		Mitigation Proposed	Water Board Mitigation Ratio
	Area (acres)	Length (LF)	Area (acres) / Linear Feet (LF)	
waters of the state (non-wetland; ephemeral stream channel)	0.15	4,921	<ul style="list-style-type: none"> • Re-Establishment of stream channel: 1.80 acre / 275 LF • Establishment of wetland: 0.23 acre 	12:1 (Area) / 0.06:1 (LF) ¹ 1.53:1 (Area)
Total	0.15	4,921	2.03 acres	

¹ Compensatory mitigation is being provided at the Otay River Restoration Project (Restoration Project). Centrally located within the Restoration Project, the Project's mitigation area has been designed to be an ecologically functional component within the Restoration Project and contains low-flow channel, active floodplain, high floodplain, and the additional aquatic feature of the seasonal pond. In whole, the Restoration Project, which includes three permittee responsible mitigation areas, including for this Project, the Otay Ranch Village Three Residential Development Project, and the Otay Ranch Village 8 West Project, and a future compensatory mitigation bank, will provide a high value, large-scale restoration and enhancement of 5,338 linear feet length of the Otay River, adding an additional 7,180 linear feet of secondary, tertiary, and tributary stream channels, in a large contiguous area of an in-watershed aquatic resource. These considerations provide an off-set for the lack of a 1:1 linear feet mitigation ratio.

8.0 Post Construction Requirements

The Project must be designed to comply with the requirements for priority development projects in section E.3 of the Regional MS4 Permit Order No. R9-2013-0001, *National Pollutant Discharge Elimination Systems Permit and Waste Discharge Requirements for Discharges of Urban Runoff from the MS4s Draining the Watersheds within the San Diego Region* (Regional MS4 Permit) as well as the most current BMP Design Manual for the City of Chula Vista. Where conflict exists between the referenced documents the most stringent requirements shall apply.

9.0 Public Participation

The San Diego Water Board has considered the issuance of waste discharge requirements in this Order for the Project. As a step in the adoption process of this Order the San Diego Water Board developed a Tentative Order and encouraged public participation in the Board's proceedings to consider adoption of the Tentative Order in accordance with the requirements of Water Code section 13167.5.

The public was notified by a San Diego Water Board internet website posting on November 9, 2017 that a report of waste discharge application for WDRs for the Project was submitted.

As a step in the WDR adoption process, the San Diego Water Board developed Tentative Order No. R9-2017-0179, a draft version of the Order. The San Diego Water Board has taken the following steps to encourage public participation in the San Diego Water Board's proceedings to consider adoption of the Tentative Order.

Notice of Public Hearing and Public Comment Period

By electronic e-mail and public notice dated November 9, 2017 the San Diego Water Board notified the Discharger and interested agencies and persons of its intent to consider adoption of the Tentative Order in a public hearing during a regularly scheduled Board Meeting on December 13, 2017. The San Diego Water Board also provided notice that the Tentative Order was posted on the Board website and provided a period of 30 days for public review and comment. Notification was also provided through the San Diego Water Board website and the San Diego Water Board Meeting agenda publication.

The public also had access to the Board meeting agenda, including all supporting documents and any changes in meeting dates and locations through the San Diego Water Board's website at: <http://www.waterboards.ca.gov/sandiego/>

10.0 Written Comments

Interested persons were invited to submit comments concerning the Tentative Order as provided in the public notice. Written comments or e-mailed comments were required to be received in the San Diego Water Board office at 2375 Northside Drive, Suite 100, San Diego, CA 92108. To be fully considered by the San Diego Water Board, the written or e-mailed comments were due at the San Diego Water Board office by **5:00 p.m. on December 11, 2017.**

11.0 Public Hearing

The San Diego Water Board held a public hearing on the Tentative Order during its regular Board meeting as follows:

Date: December 13, 2017
Time: 9:00 a.m.
Location: San Diego Water Board
Regional Board Meeting Room
2375 Northside Drive, Suite 100
San Diego, CA 92108

At the public hearing, the San Diego Water Board heard and considered all comments and testimony, pertinent to the discharge and the Tentative Order. For accuracy of the record, important testimony was requested in writing.

12.0 Information and Copying

Records pertinent to the San Diego Water Board's proceedings to adopt this Order including but not limited to the Report of Waste Discharge (ROWD), public notices, draft and finalized versions of the Tentative Order, public comments received, Board responses to comments received and other supporting documents are maintained by the San Diego Water Board. These records are available for public access between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday at the San Diego Water Board office.

The San Diego Water Board website contains on-line information and instructions on how to request access and obtain copies of these records at: http://www.waterboards.ca.gov/sandiego/about_us/contact_us/records.shtml.

Before making a request to view public records in the San Diego Water Board office interested persons may wish to determine if the information is already available on the San Diego Water Board's website at:

<http://www.waterboards.ca.gov/sandiego/>

13.0 Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding this Order should contact the San Diego Water Board as specified below, reference this Order or Project, and provide a name, address, phone number, and email address.

San Diego Regional Water Quality Control Board
2375 Northside Drive, Suite 100
San Diego, CA 92108-2700
Phone (619) 516-1990
Fax (619) 516-1994
E-mail rb9_questions@waterboards.ca.gov.

14.0 Additional Information

Requests for additional information or questions regarding this Order should be directed to Lisa Honma of the San Diego Water Board staff at 619-521-3367 or to the San Diego Water Board via e-mail at rb9_questions@waterboards.ca.gov.

15.0 Petition for State Water Board Review

Any aggrieved person may petition the State Water Board to review the decision of the San Diego Water Board regarding the final WDRs of this Order in accordance with Water Code section 13320 and the California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the adoption date of this Order, except that if the thirtieth day following the adoption date of this Order falls on a Saturday, Sunday, or State holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the State Water Board website at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.shtml

or will be provided upon request.

16.0 Documents Used in Preparation of the Information Sheet and Order

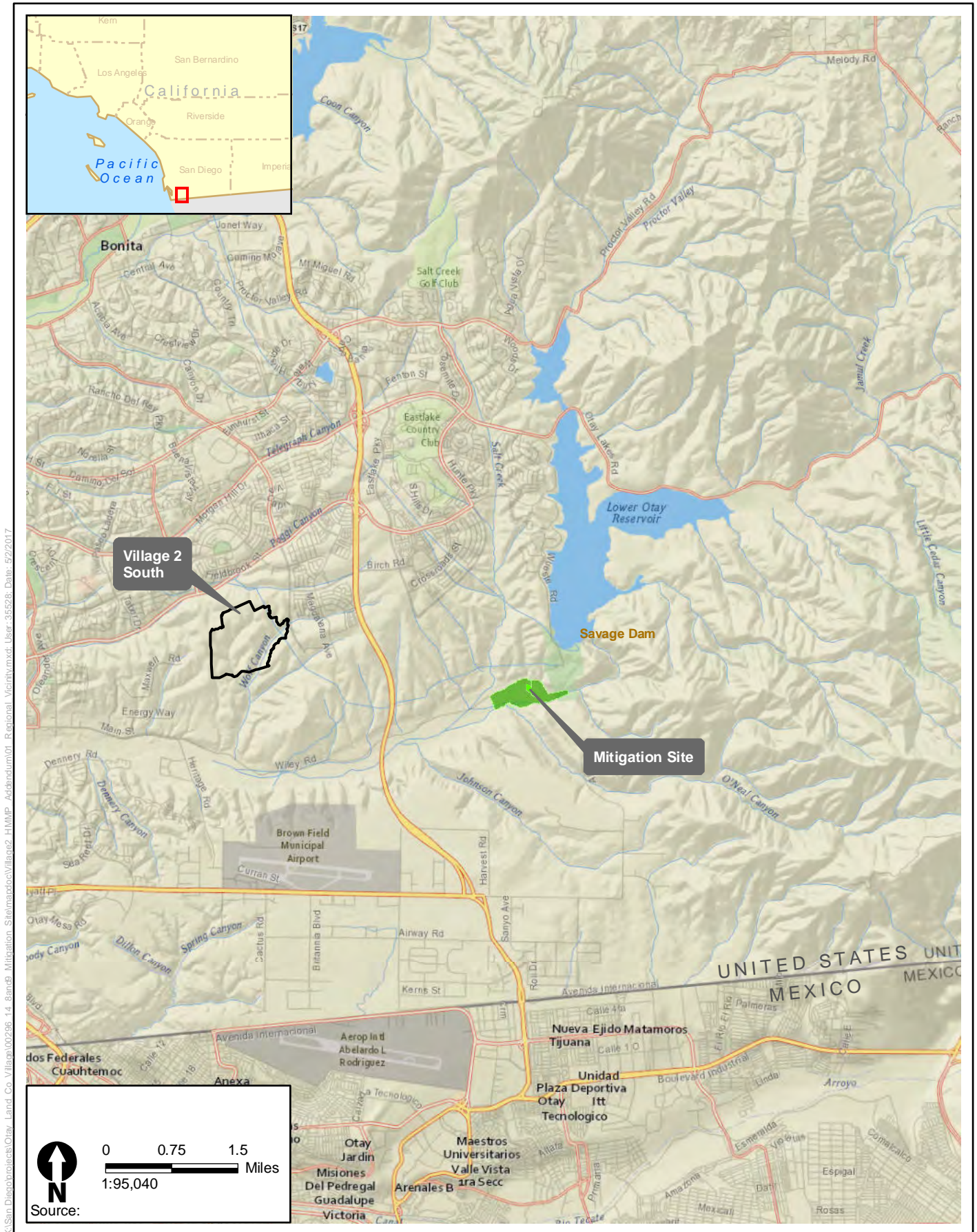
The following documents were used in the preparation of this Information Sheet and this Order:

- a. Revised Application/401 Water Quality Certification submitted on September 29, 2016, hardcopy/electronic copies with 10 attachments.
- b. Letter from USACE to Mr. Stephan Haase. Subject: Determination of Need for Department of the Army Permit, November 17, 2016.
- c. Final Supplemental Environmental Impact Report for the Otay Ranch Village Two Comprehensive SPA Plan Amendment dated August 2014.
- d. Village 2 South Addendum to the Otay River Restoration Project Final Habitat Mitigation and Monitoring Plan (HMMP), dated May 2017.

Tech Staff Info & Use	
Order No.	R9-2017-0179
WDID	9 00003010
Reg. Measure ID	404993
Place ID	822772
Party ID	555044
Person ID	540995

ATTACHMENT C MITIGATION FIGURES

- Figure 1 – Regional Map
- Figure 4 – Restoration Concept for Mitigation Site
- Figure 5 – Restoration Types for Mitigation Site
- Figure 9 – Quantitative Monitoring Locations

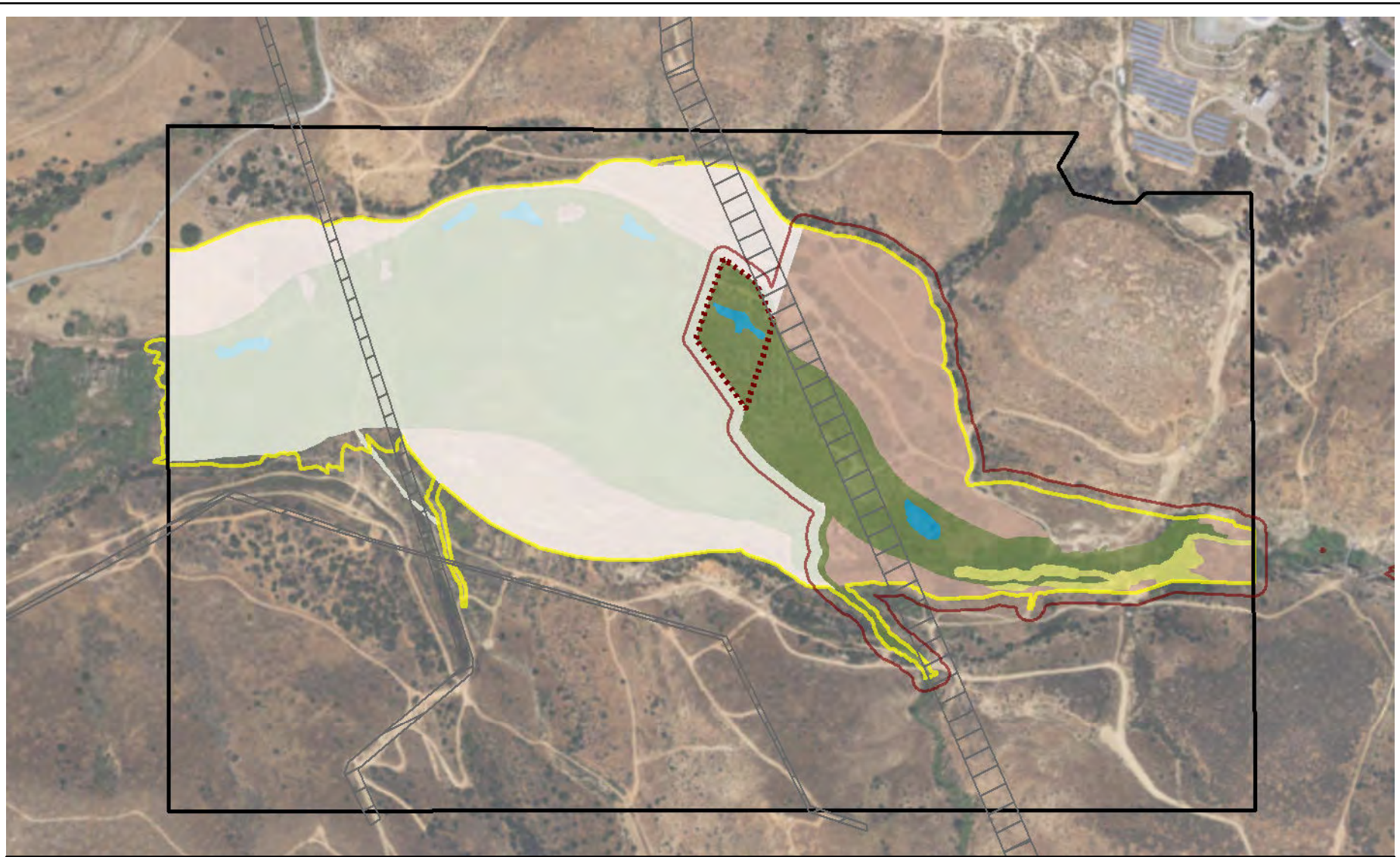


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Figure 1
Regional Map
Village 2 South HMMF Addendum

K:\San_Diego\Utilities\City_Land_Co_Village2\14_Band9_Mitigation_Site\maps\Village2_HMMP_Addendum\05_RestTypes.mxd User: 35528 Date: 11/7/2017



0 300 600
Feet
1:7,200

Source:ICF; ESRI Basemaps 2017

Legend

- Mitigation Parcel
- Mitigation Bank Restoration Area
- Village 2 South Mitigation Area

- Utility Corridor (Approx)
- Invasives Eradication Buffer (50-ft)

- Restoration Type**
- Re-establishment
 - Enhancement
 - Establishment
 - Rehabilitation



Figure 5
Restoration Types for Mitigation Site
Village 2 South HMMP Addendum

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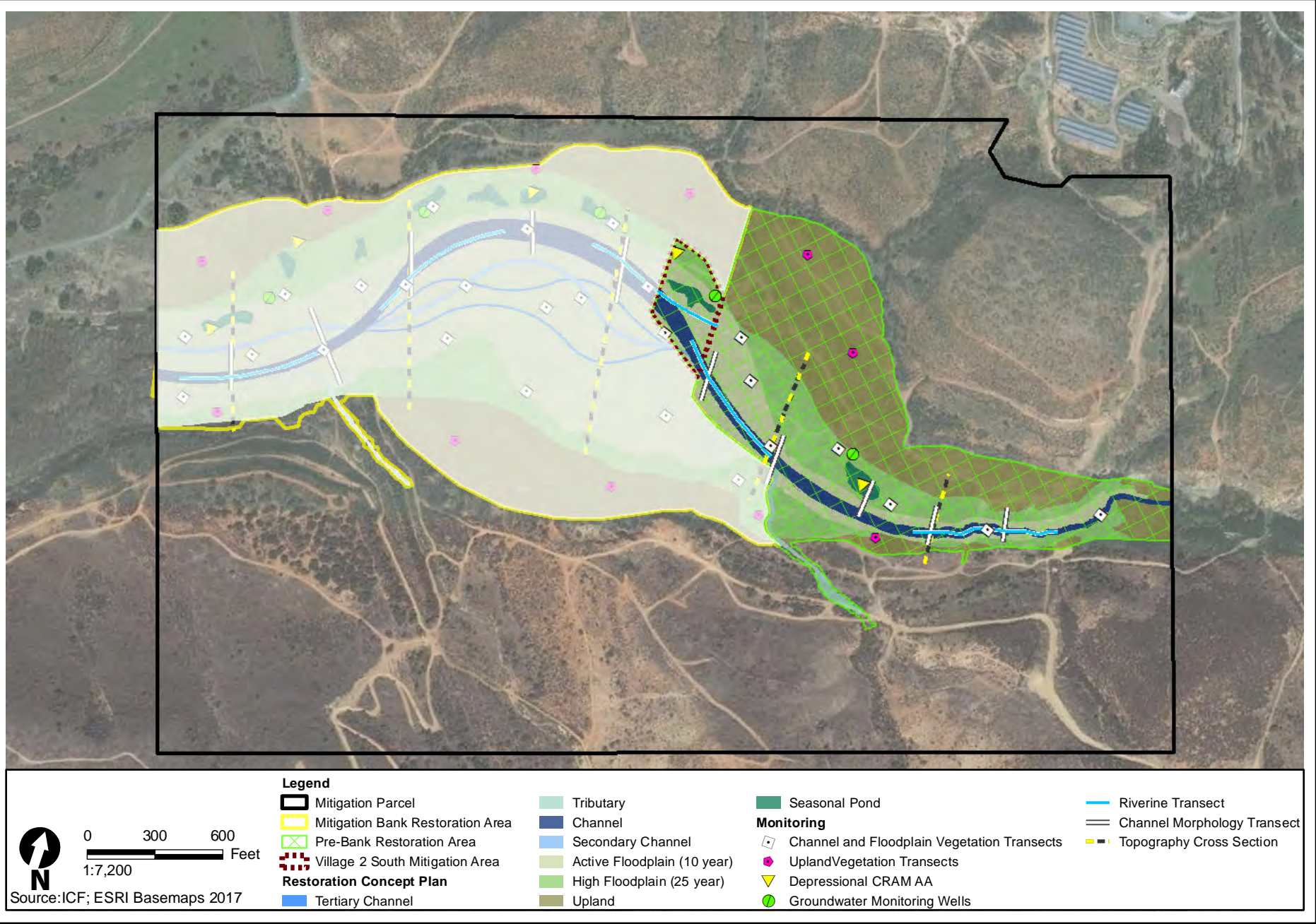


Figure 9
Quantitative Monitoring Locations
Village 2 South HMP Addendum



Baldwin & Sons
Village Two South Project
Order No. R9-2017-0179

ATTACHMENT D
CEQA MITIGATION MONITORING AND REPORTING PROGRAM

**OTAY RANCH VILLAGE TWO COMPREHENSIVE
SECTIONAL PLANNING AREA PLAN AMENDMENT
FINAL SUPPLEMENTAL ENVIRONMENTAL
IMPACT REPORT MITIGATION MONITORING AND
REPORTING PROGRAM
SEIR 12-01, SCH No. 2003091012**

Lead Agency:

City of Chula Vista
276 Fourth Avenue
Chula Vista, California 91910

Prepared by:

DUDEK
605 Third Street
Encinitas, California 92024
Contact: Brian Grover, AICP

AUGUST 2014

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

This mitigation monitoring and reporting program (MMRP) was prepared by the City of Chula Vista for the Otay Ranch Village Two Comprehensive Sectional Planning Area (SPA) Plan Amendment Project to comply with Public Resources Code Section 21081.6(a)(1), which requires public agencies to adopt such programs to ensure effective implementation of mitigation measures. This monitoring program is dynamic in that it will undergo changes as additional mitigation measures are identified and additional conditions of approval are placed on the project throughout the project approval process. Pursuant to Public Resources Code Section 21081.6(a)(2), the City of Chula Vista designates the Director of Development Services and the City Clerk as the custodians of the documents or their material which constitute the record of proceedings upon which its decision is based.

This monitoring program will serve a dual purpose of verifying completion of the mitigation identified in the Environmental Impact Report (EIR) and generating information on the effectiveness of the mitigation measures to guide future decisions. The program includes the following:

- Monitor qualifications
- Specific monitoring activities
- Reporting system
- Criteria for evaluating the success of the mitigation measures

The project includes the implementation of amendments to the approved Village Two SPA Plan. The approximately 267-acre project development area is located within the Otay Valley Parcel of the Otay Ranch. The project area is comprised of the portions of Village Two under the ownership of Baldwin & Sons. When including the additional units and land uses as proposed by the project, the Village Two SPA Plan would result in the development of a maximum of 4,545 units total within Village Two (3,435 under Baldwin & Sons ownership), 62.4 acres of industrial, 22.5 acres of mixed use and commercial, 14.1 acres of community purpose facilities (CPFs), 69.5 acres of parks, 19.8 acres of schools (two elementary schools), and 200.2 acres of open space (including the preserve area within Wolf Canyon). The project would also result in the relocation of the City of San Diego waterline from its current alignment through Village Two to a proposed alignment along La Media Road and Olympic Parkway.

The Proposed Project is described in the EIR text in Chapter 3, Project Description. The EIR, incorporated herein as referenced, addressed all environmental issues listed in Appendix G of the CEQA Guidelines.

Public Resources Code section 21081.6 requires monitoring of only those impacts identified as significant or potentially significant. The monitoring program does not address impacts for issues where no mitigation is available and therefore remain unmitigable. Additionally, Section 5.2, Transportation, Circulation, and Access, of the EIR identify potential mitigation measures that are considered infeasible for reasons identified in Section 5.2; these mitigation measures are not included in the MMRP.

This EIR tiers from the 2006 EIR; as such, all applicable mitigation measures identified for impacts within the 2006 EIR are also included in this MMRP. Mitigation measures identified in the 2006 EIR that are not considered applicable include those identified for traffic and noise as the nature of the proposed project (i.e., alteration of land use intensity, increase in population, and different trip generation and distribution as compared to the 2006 EIR) and provision of new technical reports (refer to each respective environmental issue area's EIR section for details regarding applicability of mitigation measures identified in the 2006 EIR).

MITIGATION MONITORING TEAM

The monitoring activities would be accomplished by individuals identified in the attached MMRP table. While specific qualifications should be determined by the City, the monitoring team should possess the following capabilities:

- Interpersonal, decision-making, and management skills with demonstrated experience in working under trying field circumstances;
- Knowledge of and appreciation for the general environmental attributes and special features found in the project area;
- Knowledge of the types of environmental impacts associated with construction of cost-effective mitigation options; and
- Excellent communication skills.

PROGRAM PROCEDURAL GUIDELINES

Prior to any construction activities, meetings should take place between all the parties involved to initiate the monitoring program and establish the responsibility and authority of the participants. Mitigation measures that need to be defined in greater detail will be addressed prior to any project plan approvals in follow-up meetings designed to discuss specific monitoring effects.

An effective reporting system must be established prior to any monitoring efforts. All parties involved must have a clear understanding of the mitigation measures as adopted and these mitigations must be distributed to the participants of the monitoring effort. Those that would have a complete list of all the mitigation measures adopted by the City of Chula Vista would

include the City of Chula Vista and its Mitigation Monitor. The Mitigation Monitor would distribute to each Environmental Specialist and Environmental Monitor a specific list of mitigation measures that pertain to his or her monitoring tasks and the appropriate time frame that these mitigations are anticipated to be implemented.

In addition to the list of mitigation measures, the monitors will have mitigation monitoring report (MMR) forms, with each mitigation measure written out on the top of the form. Below the stated mitigation measure, the form will have a series of questions addressing the effectiveness of the mitigation measure. The monitors shall complete the MMR and file it with the Mitigation Monitor following the monitoring activity. The Mitigation Monitor will then include the conclusions of the MMR into an interim and final comprehensive construction report to be submitted to the City. This report will describe the major accomplishments of the monitoring program, summarize problems encountered in achieving the goals of the program, evaluate solutions developed to overcome problems, and provide a list of recommendations for future monitoring programs. In addition, and if appropriate, each Environmental Monitor or Environmental Specialist will be required to fill out and submit a daily log report to the Mitigation Monitor. The daily log report will be used to record and account for the monitoring activities of the monitor. Weekly and/or monthly status reports, as determined appropriate, will be generated from the daily logs and compliance reports and will include supplemental material (i.e., memoranda, telephone logs, and letters). This type of feedback is essential for the City to confirm the implementation and effectiveness of the mitigation measures imposed on the project.

ACTIONS IN CASE OF NONCOMPLIANCE

There are generally three separate categories of noncompliance associated with the adopted conditions of approval:

- Noncompliance requiring an immediate halt to a specific task or piece of equipment;
- Infraction that warrants an immediate corrective action, but does not result in work or task delay; and
- Infraction that does not warrant immediate corrective action and results in no work or task delay.

There are a number of options the City may use to enforce this program should noncompliance continue. Some methods that could be used include “stop work” orders, fines and penalties (civil), restitution, permit revocations, citations, and injunctions. It is essential that all parties involved in the program understand the authority and responsibility of the on-site monitors. Decisions regarding actions in case of noncompliance are the responsibility of the City.

SUMMARY OF MITIGATION MEASURES

Table 1 summarizes the mitigation measures identified in the EIR. Table 2 summarizes the applicable mitigation measures identified in the 2006 EIR. Both tables list the monitoring efforts necessary to ensure that the measures are properly implemented. All the mitigation measures identified in the EIR, as well as those identified in the 2006 EIR considered applicable, are recommended as conditions of project approval and are stated herein in language appropriate for such conditions. In addition, during various stages of implementation the City will further refine the mitigation measures.

**Table 1
Mitigation Monitoring and Reporting Program (Proposed Project)**

Mitigation Measure	Time Frame of Mitigation				Monitoring Reporting Agency	Time Frame for Verification Frequency to		Date of Completion	Date of Verification
	Planning	Pre-Const.	During Const.	Post Const.		Monitor	Report		
<i>Otay Ranch Village Two Comprehensive SPA Plan EIR Mitigation Measures</i>									
<i>Transportation, Circulation, and Access</i>									
MM-TCA-3 <i>Heritage Road/Olympic Parkway (CV)</i> – Prior to occupancy of the 1,311th EDU of the Village Two Comprehensive SPA, the project applicant or its designee shall cause, through the payment of Transportation Development Impact Fees (TDIF), the construction of Main Street, between Heritage Road and La Media Road, as a 6-lane Prime Arterial.	X	X	X		City of Chula Vista				
MM-TCA-5 <i>La Media Road/Olympic Parkway (CV)</i> – Prior to the issuance of the final map that contains the 1,311th EDU of the Village Two Comprehensive SPA, the project applicant or its designee shall cause, through the payment of Transportation Development Impact Fees (TDIF), the construction of Main Street, between Heritage Road and La Media Road, as a 6-lane Prime Arterial.	X	X	X		City of Chula Vista				
MM-TCA-6 <i>La Media Road (SB)/Main Street (WB)</i> (all-way stop controlled) (CV) – Prior to issuance of the final map that contains the 1,311th EDU of the Village Two Comprehensive SPA, the project applicant or its designee shall pay its fair-share towards the cost of signaling the intersection of La Media Road (SB)/Main Street (WB).	X	X	X		City of Chula Vista				
MM-TCA-7 <i>La Media Road (NB)/Main Street (WB)</i> (all-way stop controlled) (CV) – Prior to issuance of the final map that contains the 1,311th EDU of the Village Two Comprehensive SPA, the project applicant or its designee shall pay its fair-share towards the cost of signaling the intersection of La Media Road (NB)/Main Street (WB).	X	X	X		City of Chula Vista				
MM-TCA-8 <i>La Media Road (SB)/Main Street (EB)</i> (all-way stop controlled) (CV) – Prior to issuance of the final map that contains the 1,311th EDU of the Village Two Comprehensive SPA, the project applicant or its designee shall pay its fair-share towards the cost of signaling the intersection of La Media Road (SB)/Main Street (EB).	X	X	X		City of Chula Vista				
MM-TCA-9 <i>La Media Road (NB)/Main Street (EB)</i> (all-way stop controlled) (CV) – Prior to issuance of the final map that contains the 1,311th EDU of the Village Two Comprehensive SPA, the project applicant or its designee shall pay its fair-share towards the cost of signaling the intersection of La Media Road (NB)/Main Street (EB).	X	X	X		City of Chula Vista				
MM-TCA-10 <i>Magdalena Avenue/Main Street</i> (one-way stop controlled) (CV) – Prior to issuance of the final map that contains the 1,311th EDU of the Village Two Comprehensive SPA, the project applicant or its designee shall pay its fair-share towards the cost of signaling the intersection of Magdalena Avenue/Main Street.	X	X	X		City of Chula Vista				
MM-TCA-11 <i>Heritage Road, between East Palomar Street and Olympic Parkway (CV)</i> – Prior to the issuance of the final map that contains the 1,311th EDU of the Village Two Comprehensive SPA, the project applicant or its designee shall pay Transportation Development Impact Fees (TDIF) for the construction of Main Street, between Heritage Road and La Media Road, as a 6-lane Prime Arterial, including the construction of Main Street bridge.	X	X	X		City of Chula Vista				
MM-TCA-13 <i>Olympic Parkway, between Heritage Road and Santa Venetia Street (CV)</i> – Prior to the issuance of the final map that contains the 1,311th EDU of the Village Two Comprehensive SPA, the project applicant or its designee shall pay Transportation Development Impact Fees (TDIF) for the construction of Main Street, between Heritage Road and La Media Road, as a 6-lane Prime Arterial, including the construction of Main Street Bridge.	X	X	X		City of Chula Vista				
<i>Noise</i>									
MM-NOI-1 Prior to the approval of grading permits for residential development adjacent to Olympic Parkway at Neighborhood R-12A, the project applicant or its designee shall be responsible for the preparation of a subsequent acoustical study based on the final map design and implementation of any measures recommended as a result of the analysis to the satisfaction of the Development Services Director (or their designee). The study shall include, but not be limited to the following: <ol style="list-style-type: none"> 1. Location, height, and building material of the noise barriers in accordance with Figure 11 (Approximate Sound Wall Locations), contained in the Noise Assessment Technical Report for the Otay Ranch Village Two Comprehensive SPA Plan Amendment (Dudek 2014). The sound wall noise barriers shall be a minimum of six feet in height, must have a surface density of at least four pounds per square foot, and be free of openings and cracks. The wall may be constructed of acrylic glass, masonry material, earthen berm, or a combination of these materials. Heights are provided relative to final pad elevation. Required heights may be achieved through construction of walls, berms or a wall/berm combination; 2. A detailed analysis that demonstrates that barriers and/or setbacks have been incorporated into the project design, such that noise exposure to residential receivers placed in all useable outdoor areas, including multi-family residential patios and balconies, are at or below 65 dBA CNEL; and 3. Should pad grade elevations, lot configuration/site design, and/or traffic assumptions change during the processing of any final maps, the barriers shall be refined to reflect those modifications. 	X				City of Chula Vista				

**Table 1
Mitigation Monitoring and Reporting Program (Proposed Project)**

Mitigation Measure	Time Frame of Mitigation				Monitoring Reporting Agency	Time Frame for Verification Frequency to		Date of Completion	Date of Verification
	Planning	Pre-Const.	During Const.	Post Const.		Monitor	Report		
MM-NOI-2 Site-Specific Acoustic Analysis – Single-Family Residences. Concurrent with design review and prior to the approval of building permits for single-family residential development in Neighborhoods R-8A and R-8C (only units fronting Olympic Parkway), where the exterior noise level exceeds 60 dBA CNEL, the applicant shall prepare an acoustical analysis ensuring that interior noise levels due to exterior noise sources will be at or below 45 dBA CNEL. Design-level architectural plans shall be used to the exterior-to-interior transmissions loss for habitable rooms. Contingent upon the results of the interior acoustical analysis, units may need to include an air conditioning system to provide a habitable interior environment with the windows closed while meeting the interior standard of 45 dBA CNEL. The acoustical analysis shall be prepared to the satisfaction of the Director of Development Services (or their designee), and all required noise control measures identified in the acoustical analysis shall be made conditions of building permit issuance.	X				City of Chula Vista				
MM-NOI-3 Site-Specific Acoustic Analysis – Multi-Family Residences. Concurrent with design review and prior to the approval of building permits for multi-family areas where first and/or second floor exterior noise levels exceed 60 dBA CNEL and/or where required outdoor area (patios or balconies) noise levels exceed 65 dBA CNEL (all units fronting Heritage Road, Olympic Parkway, or La Media Road in Neighborhoods R-5A, R-6, R-12A, R-12B, and MU-3), the applicant shall prepare an acoustical analysis demonstrating compliance with California’s Title 24 Interior Noise Standards (i.e., 45 dBA CNEL) and the City’s Exterior Land Use/Noise Compatibility Guidelines for outdoor use areas (i.e., 65 dBA CNEL). Design-level architectural plans will be available during design review and will permit the accurate calculation of transmissions loss for habitable rooms. For these areas, it may be necessary for the windows to be able to remain closed to ensure that interior noise levels meet the interior standard of 45 dBA CNEL. Consequently, the design for buildings in these areas may need to include a ventilation or air conditioning system to provide a habitable interior environment with the windows closed based on the result on the interior acoustical analysis.	X				City of Chula Vista				
MM-NOI-4 As part of the site plan/development plan review process conducted in connection with future commercial, mixed residential, and commercial land use development applications submitted to the City, the applicant or its designee shall prepare site-specific acoustical analyses to the satisfaction of the Director of Development Services (or their designee) to ensure noise levels generated by the proposed use will comply with the City’s General Plan noise standards (maximum exterior noise levels of 65 CNEL). The applicant for each development proposal shall be responsible to fund the required acoustical analysis, which shall be prepared to the satisfaction of the Director of Development Services (or its designee). All required noise control measures identified in the acoustical analysis shall be made conditions of development approval.	X				City of Chula Vista				
MM-NOI-5 As part of the site plan/development plan review process conducted in connection with future industrial development applications submitted to the City, the applicant or its designee shall prepare a site-specific acoustical analysis to ensure noise levels generated by the proposed use will comply with the City’s General Plan noise standards for residential property boundaries proximate to the industrial zone (maximum exterior noise levels of 65 CNEL). The applicant for each development proposal shall be responsible to fund the required acoustical analysis, which shall be prepared to the satisfaction of the Director of Development Services (or their designee). All required noise control measures identified in the acoustical analysis shall be made conditions of development approval.	X				City of Chula Vista				
MM-NOI-6 Site Specific Acoustic Analysis - Neighborhood Parks. Concurrent with the preparation of site-specific plan(s) and prior to the approval of a precise grading plan for the neighborhood parks within Village Two, the applicant shall prepare, or in the case the City being the lead on the preparation of the site-specific plan, the applicant shall fund the preparation of an acoustical analysis that shall be conducted to ensure that noise levels generated from any active uses at the neighborhood parks, such as sports fields and playgrounds, do not exceed the exterior noise limits of the receiving land use category as identified in the Chula Vista Noise Ordinance. The applicant shall be responsible for the implementation of any measures recommended as a result of the analysis. Measures to reduce noise levels may include, but would not be limited to or siting of structures or buildings to provide setbacks between active areas and adjacent noise sensitive uses. Final noise attenuation design shall be determined by a site-specific acoustic analysis conducted by a qualified acoustical engineer, to the satisfaction of the Development Services Director, or their designee.	X				City of Chula Vista				
MM-NOI-7 Concurrent with design review and prior to the approval of building permits for the elementary schools (S-1 and S-2), the applicant shall be responsible for the preparation of an acoustical analysis ensuring that noise levels at exterior use areas (i.e., playground, sports fields, athletic courts, etc.) will be below 65 dBA CNEL and implementation of any measures recommended as a result of the analysis. Measures to reduce noise levels may include, but would not be limited to, setback of structures from the roadway, installing acoustic barriers, or orienting outdoor activity areas away from roadways so that surrounding structures provide noise attenuation. The acoustical analysis shall also address control measures for outdoor school activity noise and its effect upon immediately adjacent land uses, to ensure school activity related noise levels do not exceed 65 dB CNEL at exterior use areas of adjacent residential properties. The analysis shall also demonstrate that barriers or setbacks have been incorporated into the project design, such that, when considered with proposed construction specifications, ground level and upper story interior noise levels shall not exceed 45 dBA CNEL. Roof-ceiling assemblies making up the building envelope shall have a sound	X				City of Chula Vista				

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Mitigation Monitoring and Reporting Program (Proposed Project)**

Mitigation Measure	Time Frame of Mitigation				Monitoring Reporting Agency	Time Frame for Verification Frequency to		Date of Completion	Date of Verification
	Planning	Pre-Const.	During Const.	Post Const.		Monitor	Report		
transmission class value of at least 50, and exterior windows shall have a minimum sound transmission class of 30 in compliance with the California Green Building standards code. The acoustical analysis shall be prepared to the satisfaction of the school district, and all required noise control measures identified in the acoustical analysis shall be made conditions of development approval.									
MM-NOI-8 Prior to the approval of grading permits for residential development adjacent to Otay Ranch High School at Neighborhood R-8C, the project applicant or its designee shall be responsible for the preparation of a subsequent acoustical study based on the final map design and implementation of any measures recommended as a result of the analysis to the satisfaction of the Development Services Director (or their designee). The study shall include, but not be limited to the following: <ol style="list-style-type: none"> 1. Location, height, and building material of a noise barrier in accordance with Figure 11 (Approximate Sound Wall Locations, Neighborhood R-8C), contained in the Noise Assessment Technical Report for the Otay Ranch Village Two Comprehensive SPA Plan Amendment (Dudek 2014). The sound wall noise barriers shall be a minimum of six feet in height, must have a surface density of at least four pounds per square foot, and be free of openings and cracks. The wall may be constructed of acrylic glass, masonry material, earthen berm, or a combination of these materials. Heights are provided relative to final pad elevation. Required heights may be achieved through construction of walls, berms or a wall/berm combination; 2. A detailed analysis that demonstrates that barriers and/or setbacks have been incorporated into the project design, such that noise exposure to residential receivers placed in all useable outdoor areas, including multi-family residential patios and balconies, are at or below 65 dBA CNEL; and 3. Should pad grade elevations, lot configuration/site design, and/or traffic assumptions change during the processing of any final maps, the barriers shall be refined to reflect those modifications. 	X				City of Chula Vista				
MM-NOI-9 All project-related site preparation and construction activities shall be limited to the hours between 7:00 am–6:00 pm, Monday –Friday, and between 8:00 am–6:00 pm Saturday. No construction activities shall occur on Federal holidays (e.g., Thanksgiving, July 4th, Labor Day, etc.). All maintenance of construction equipment shall be limited to the same hours. This language shall be added to the Project grading plans. Non-noise-generating construction activities such as interior painting are not subject to these restrictions.			X		City of Chula Vista				
<i>Biological Resources</i>									
MM-BIO-1 A total of up to 0.91 acres of wetland and 0.06 acre of waters of the U.S./State within the Project may be impacted within the Development Area. Prior to issuance of land development permits, including clearing, grubbing, and grading permits for areas that impact jurisdictional waters, the Project Applicant shall provide evidence that all required regulatory permits, such as those required under Section 404 of the federal Clean Water Act, Section 1600 of the California Fish and Game Code, and the Porter Cologne Water Quality Act.	X				City of Chula Vista				
MM-BIO-2 Prior to issuance of land development permits, including clearing, grubbing, and grading permits that impact jurisdictional waters, the developer(s) shall prepare a Wetlands Mitigation and Monitoring Plan to the satisfaction of the City, ACOE, and CDFW. This plan shall include, at a minimum, an implementation plan, maintenance and monitoring program, estimated completion time, and any relevant contingency measures. Areas under the jurisdictional authority of ACOE and CDFW shall be delineated on all grading plans. Mitigation areas shall occur within the Otay River watershed or other suitable location in accordance with the Wetlands Mitigation and Monitoring Plan to the satisfaction of the City, ACOE, and CDFW. The Project Applicant shall also be required to implement the Wetlands Mitigation and Monitoring Plan subject to the oversight of the City, ACOE, and CDFW.	X				City of Chula Vista				
MM-BIO-3 To avoid any direct impacts to raptors and/or any migratory birds protected under the MBTA, removal of habitat that supports active nests on the proposed area of disturbance should occur outside of the breeding season for these species (January 15 to August 31). If removal of habitat on the proposed area of disturbance must occur during the breeding season, the Project Applicant shall retain a City-approved biologist to conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction, and the results must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan, as deemed appropriate by the City, shall be prepared and include proposed measures to be implemented to ensure that disturbance of breeding activities are avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's Mitigation Monitor shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.	X	X	X		City of Chula Vista				
MM-BIO-4 Due to the moderate potential for least Bell's vireo to be present within the drainage, no construction will occur within 300 feet of the riparian habitat within the drainage during the vireo breeding season (March 15 to September 15). If construction, including clearing, grubbing, grading,	X	X	X		City of Chula Vista				

**Table 1
Mitigation Monitoring and Reporting Program (Proposed Project)**

Mitigation Measure	Time Frame of Mitigation				Monitoring Reporting Agency	Time Frame for Verification Frequency to		Date of Completion	Date of Verification
	Planning	Pre-Const.	During Const.	Post Const.		Monitor	Report		
must occur during the breeding season, protocol surveys will be conducted for least Bell's vireo. The survey shall be performed to the satisfaction of the Development Services Director (or their designee) by a qualified biologist familiar with the City's MSCP Subarea Plan. The results of the pre-construction survey must be submitted in a report to the Development Services Director (or their designee) for review and approval prior to the issuance of any land development permits and prior to initiating any construction activities. If the least Bell's vireo is detected, a minimum 300-foot buffer delineated by orange biological fencing shall be established around the habitat to ensure that no work shall occur within the occupied habitat from March 15 through September 15 and on-site noise reduction techniques shall be implemented to ensure that construction noise levels do not exceed 60 dB(A) L_{eq-h} at the location of any occupied sensitive habitat areas. The Development Services Director (or their designee) shall have the discretion to modify the buffer width depending on-site-specific conditions. If the results of the pre-construction survey determine that the survey area is unoccupied, the work may commence at the discretion of the Development Services Director (or their designee) following the review and approval of the pre-construction report.									
MM-BIO-5 Prior to issuance of any land development permits (including clearing and grubbing or grading permits), the project Applicant shall retain a City-approved biologist to conduct focused pre-construction surveys for burrowing owls. The surveys shall be performed no earlier than 30 days prior to the commencement of any clearing, grubbing, or grading activities. If occupied burrows are detected, the City-approved biologist shall prepare a passive relocation mitigation plan subject to the review and approval by the Wildlife agencies and City including any subsequent burrowing owl relocation plans to avoid impacts from construction-related activities.		X			City of Chula Vista				
MM-BIO-6 Prior to recordation of each Final Map, the Applicant shall convey land within the Otay Ranch Preserve to the Otay Ranch Preserve Owner/Manager (POM) or its designee at a ratio of 1.188 acres for each acre of development area, as defined in the RMP. Access for maintenance purposes shall also be conveyed to the satisfaction of the POM, and each tentative map shall be subject to a condition that the Applicant shall execute a maintenance agreement with the POM stating that it is the responsibility of the Applicant to maintain the conveyed parcel until the Preserve CFD has generated sufficient revenues to enable the POM to assume maintenance responsibilities. The Applicant shall maintain and manage the offered conveyance property consistent with the RMP Phase 2 until the Preserve CFD has generated sufficient revenues to enable the POM to assume maintenance and management responsibilities.	X			X	City of Chula Vista				
MM-BIO-7 Prior to the POM's formal acceptance of the conveyed land in fee title, the project Applicant shall prepare, to the satisfaction of the POM, Area Specific Management Directives (ASMDs) for the associated conveyance areas. The ASMDs shall incorporate the guidelines and specific requirements of the Otay Ranch RMP plans and programs, management requirements of Table 3-5 of the MSCP Subregional Plan and information and recommendations from any relevant special studies. Guidelines and requirements from these documents shall be evaluated in relationship to the Preserve configuration and specific habitats and species found within the associated conveyance areas and incorporated into the ASMDs to the satisfaction of the POM.	X			X	City of Chula Vista				
<i>Geology and Soils</i>									
MM-GEO-1 Prior to the issuance of the grading permit, the applicant(s) shall verify that the applicable recommendations of the Update Geotechnical Report: Otay Ranch Village 2 SPA Plan Amendment prepared by Geocon, Inc. on February 10, 2014, have been incorporated into the project design and construction documents to the satisfaction of the City Engineer. Recommendations include, but are not limited to: 1. Evaluation of soil expansion potential once final grade is achieved. 2. During grading, compressible soils shall be removed and replaced with compacted fill. 3. Site drainage and moisture protection measures such as provisions for underground utilities, landscaping, and maintaining adequate site drainage to prevent soil movement. 4. Additional geotechnical report updates as development of Village Two continues in order to assess proposed grading for each neighborhood.	X	X	X		City of Chula Vista				
<i>Public Services</i>									
MM-PUB-1 Prior to the approval of the first final map(s), or prior to the approval of building permit(s), the applicant shall pay the City of Chula Vista in-lieu fee for land dedication and/or park development improvements, or dedicate additional parkland, pursuant to City of Chula Vista Municipal Code Section 17.10.070 and in accordance with the Public Facilities Financing Plan for the SPA Plan for the final 180 dwelling units to be constructed.	X		X		City of Chula Vista				

**Table 1
Mitigation Monitoring and Reporting Program (Proposed Project)**

Mitigation Measure	Time Frame of Mitigation				Monitoring Reporting Agency	Time Frame for Verification Frequency to		Date of Completion	Date of Verification
	Planning	Pre-Const.	During Const.	Post Const.		Monitor	Report		
<i>Utilities</i>									
MM-UTIL-1 Salt Creek Development Impact Fee. Prior to issuance of each building permit, the applicant or designee shall pay the Salt Creek Development Impact Fee at the rate in effect at the time of building permit issuance and corresponding to the sewer basin that the building will permanently sewer to, unless stated otherwise in a development agreement that has been approved by the City Council.	X				City of Chula Vista				
MM-UTIL-2 Poggi Canyon Development Impact Fee. Prior to issuance of each building permit, the applicant or designee shall pay the Poggi Canyon Development Impact Fee at the rate in effect at the time of building permit issuance and corresponding to the sewer basin that the building will permanently sewer to, unless stated otherwise in a development agreement that has been approved by the City Council.	X				City of Chula Vista				
UTIL-3 Density Transfer Technical Report. Prior to design review approval in accordance with the Intensity Transfer provision in the Village Two SPA Plan, the applicant or designee shall provide an update to the Overview of Sewer Service for Otay Ranch University Village Two (Dexter Wilson 2014b) with each proposed project requesting an intensity transfer. The technical study shall demonstrate to the satisfaction of the City Engineer that adequate on-site wastewater infrastructure will be available to support the transfer. The transfer of residential density shall be limited by the ability of the on-site sewerage facilities to accommodate flows. Building permits would be issued only if the City Engineer has determined that adequate sewer capacity exists.	X				City of Chula Vista				

**Table 2
Mitigation Monitoring and Reporting Program (Applicable 2006 EIR Mitigation Measures)**

Mitigation Measure	Time Frame of Mitigation				Monitoring Reporting Agency	Time Frame for Verification Frequency to		Date of Completion	Date of Verification
	Planning	Pre-Const.	During Const.	Post Const.		Monitor	Report		
<i>Landform Alteration and Visual Quality</i>									
5.2-1 Prior to approval of grading plans, the applicant(s) shall prepare grading and building plans that conform to the landform grading guidelines contained in the proposed SPA Plan, the City's Grading Ordinance, Otay Ranch GDP, and General Plan. The plans shall be prepared to the satisfaction of the Director of Planning and Building and the City Engineer.	X				City of Chula Vista				
5.2-2 Prior to approval of the site-specific master plan for the community park in Village Four, the applicant(s) shall provide funding through the payment of PAD fees for the preparation of a lighting plan that shows the proposed height, location, and intensity of sport field and court lighting on-site. Current sport facility lighting technologies including reflector devices that serve to reduce the occurrence of light spill and glare shall be used where appropriate. The plan shall be completed to the satisfaction of the Director of Planning and Building and Director of General Services.	X				City of Chula Vista				
5.2-3 Prior to the approval of the first rough grading permit, or first B-map, the applicant(s) shall have prepared, submitted to and received approval from the Director of General Services of a comprehensive Landscape Master Plan (LMP). Landscaping shall occur with each phase of development in accordance with the LMP. The contents of the LMP shall conform to the City staff checklist and include the following major components: a. Maintenance Responsibility Plan b. Master Irrigation Plan c. Master Planting Plan d. Brush Management Plan e. Hardscape Concept and Trail Plan f. Utility Coordination Plan g. Conceptual Wall and Fence Plan, and	X				City of Chula Vista				

**Table 2
Mitigation Monitoring and Reporting Program (Applicable 2006 EIR Mitigation Measures)**

Mitigation Measure	Time Frame of Mitigation				Monitoring Reporting Agency	Time Frame for Verification Frequency to		Date of Completion	Date of Verification	
	Planning	Pre-Const.	During Const.	Post Const.		Monitor	Report			
<i>Biological Resources</i>										
5.3-1	Prior to recording each final map, the property owner(s) shall either convey land within the Otay Ranch RMP Resource Preserve at a ratio of 1.188 acres for each acre of development area or pay a fee in lieu.	X				City of Chula Vista				
5.3-2	Prior to issuance of land development permits, including clearing or grubbing and grading permits, for areas with salvageable resources, including Narrow Endemic Species, <i>Plantago erecta</i> (QCB larval host plant), south coast saltscale and smooth-stemmed fagonia (including plant materials and soils/seed bank), the project property owner (s) shall be required to develop and implement a Resource Salvage Plan. The Resource Salvage Plan shall, at a minimum, evaluate options for plant salvage and relocation, including native plant mulching, selective soil salvaging, application of plant materials on manufactured slopes, and application/relocation of resources within the preserve. The Resource Salvage Plan shall include incorporation of relocation efforts for non-covered species, including south coast saltscale and smooth-stemmed fagonia. Relocation efforts may include seed collection or transplantation to a suitable receptor site and will be based on the most reliable methods of successful relocation. The program shall also contain a recommendation for method of salvage and relocation/ application based on feasibility of implementation and likelihood of success. The program shall include, but not be limited to, an implementation plan, maintenance and monitoring program, estimated completion time, and any relevant contingency measures. The program shall be subject to review and approval of the City's Director of Planning and Building.	X				City of Chula Vista				
5.3-3	Pursuant to the requirements of the RMP, mitigation beyond the conveyance requirements for impacts to maritime succulent scrub shall consist of on-site restoration at 1:1 ratio. If final design plans indicate that impacts will be avoided, this measure will not be applicable. Prior to issuance of land development permits, including clearing or grubbing and grading permits, that impact maritime succulent scrub resources, the developer(s) shall prepare and implement a restoration plan to restore 3.4 acres of maritime succulent scrub (1.5 acres from impacts within the Otay Ranch Company ownership and 1.9 acres within the Flat Rock Land Company ownership), pursuant to the Otay Ranch RMP restoration requirements. The maritime succulent scrub restoration plan shall be approved by the City's Director of Planning and Building, and shall include an implementation plan, maintenance and monitoring program, estimated completion time, and any relevant contingency measures.	X				City of Chula Vista				
5.3-4	Prior to issuance of land development permits, including clearing or grubbing and grading permits, in portions of the SPA Plan area that are adjacent to the Preserve, the property owner shall install fencing in accordance with CVMC 17.35.030. Prominently colored, well-installed fencing shall be in place wherever the limits of grading are adjacent to sensitive vegetation communities or other biological resources, as identified by the qualified monitoring biologist. Fencing shall remain in place during all construction activities. All temporary and permanent fencing shall be shown on grading plans. Prior to release of grading bonds, a qualified biologist shall provide evidence that work was conducted as authorized under the approved land development permit and associated plans.	X	X			City of Chula Vista				
5.3-5	Prior to issuance of grading permits, a Storm Water Pollution Prevention Plan (SWPPP) shall be developed, approved, and implemented during construction to control storm water runoff, such that erosion, sedimentation, pollution, etc. are minimized. The following measures contained in the Edge Plans shall be implemented to avoid the release of toxic substances associated with urban runoff: <ul style="list-style-type: none"> Sediment shall be retained on-site by a system of sediment basins, traps, or other appropriate measures. Where deemed necessary, storm drains shall be equipped with silt and oil traps to remove oils, debris and other pollutants. Storm drain inlets shall be labeled "No Dumping-Drains to Ocean." Storm drains shall be regularly maintained to ensure their effectiveness. The parking lots shall be designed to allow storm water runoff to be directed to vegetative filter strips and/or oil-water separators to control sediment, oil, and other contaminants. Permanent energy dissipaters shall be included for drainage outlets. The SPA Plan area drainage basins shall be designed to provide effective water quality control measures. Design and operational features of the drainage basins shall include design features to provide maximum detention time for settling of fine particles; maximize the distance between basin inlets and outlets to reduce velocities; and establish maintenance schedules for periodic removal of sedimentation, excessive vegetation and debris. 	X	X	X		City of Chula Vista				
5.3-6	Prior to issuance of land development permits, including clearing or grubbing and grading permits, the following notes shall be included on the plans to the satisfaction of the Environmental Review Coordinator: <ol style="list-style-type: none"> A qualified biologist shall be on-site to monitor all vegetation clearing and periodically thereafter to ensure implementation of appropriate resource protection measures. Dewatering shall be conducted in accordance with standard regulations of the RWQCB. A permit to discharge water from dewatering 	X				City of Chula Vista				

Table 2
Mitigation Monitoring and Reporting Program (Applicable 2006 EIR Mitigation Measures)

Mitigation Measure	Time Frame of Mitigation				Monitoring Reporting Agency	Time Frame for Verification Frequency to		Date of Completion	Date of Verification
	Planning	Pre-Const.	During Const.	Post Const.		Monitor	Report		
<p>activities will be required. This will minimize erosion, siltation, and pollution within sensitive communities.</p> <p>3. During construction, material stockpiles shall be placed such that they cause minimal interference with on-site drainage patterns. This will protect sensitive vegetation from being inundated with sediment-laden runoff.</p> <p>4. Material stockpiles shall be covered when not in use. This will prevent fly-off that could damage nearby sensitive vegetation communities.</p> <p>5. Graded area shall be periodically watered to minimize dust affecting adjacent vegetation.</p>									
<p>5.3-7 Lighting of all developed areas adjacent to the Preserve shall be directed away from the Preserve, wherever feasible and consistent with public safety. Where necessary, development shall provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the Preserve and sensitive species from night lighting. Consideration shall be given to the use of low pressure sodium lighting. In compliance with the Chula Vista MSCP Subarea Plan, all lighting shall be shielded and directed away from the Preserve. Prior to issuance of improvement plans, a lighting plan and photometric analysis shall be submitted to the City's Environmental review Coordinator for review and approval. The lighting plan shall illustrate the location of the proposed lighting standards and type of shielding measures. Low-pressure sodium lighting shall be used if feasible and shall be subject to the approval of the City's Environmental Review Coordinator and City Engineer. No night-time construction lighting shall occur within the Preserve Edge.</p>	X			X	City of Chula Vista				
<p>5.3-8 Noise impacts adjacent to the Preserve lands shall be minimized. Berms or walls shall be constructed adjacent to commercial areas and any other use that may introduce noises that could impact or interfere with wildlife utilization of the Preserve. Construction activities shall include noise reduction measures or be conducted outside the breeding season of sensitive bird species. Based on current information, these conditions would be limited to areas within 500 feet of Wolf Canyon. When clearing, grading or grubbing activities occur during the breeding season for coastal California gnatcatcher (February 15 to August 15, annually) or raptors (January 15 to July 31, annually), nesting bird surveys shall be conducted by a qualified biologist to identify active nest locations. Construction activities shall be restricted such that noise levels related to those activities are below 60 average sound level (Leq) at the location of the active nest site.</p>		X	X		City of Chula Vista				
<p>5.3-9 Prior to issuance of land development permits, including clearing or grubbing and grading permits, the property owner shall submit evidence showing that the following features of the Preserve Edge Plan have been incorporated into grading and landscaping plans:</p> <ol style="list-style-type: none"> No invasive non-native plant species shall be introduced into areas immediately adjacent to the Preserve. All slopes immediately adjacent to the Preserve shall be planted with native species per the Edge Plan, that reflect the adjacent native habitat. All fuel modification shall be incorporated into development plans and shall not include any areas within the Preserve. 	X				City of Chula Vista				
<p>5.3-10 Prior to issuance of grading permits, the property owner shall submit wall and fence plans depicting appropriate barriers to prevent unauthorized access into the Preserve. The wall and fence plans shall illustrate the locations and cross sections of proposed walls and fences along the Preserve boundary, subject to the approval the City's Director of Planning and Building.</p>	X				City of Chula Vista				
<p>5.3-11 The City requires that impacts to wetlands be avoided to the maximum extent possible. When avoidance is not feasible, the property owner(s) shall be required to minimize impacts to the greatest extent possible and mitigate for loss of wetland habitat, including wetland habitat creation of at a 1:1 ratio for unvegetated waters of the U.S. and 3:1 for impacts to alluvial scrub. To mitigate direct impacts to jurisdictional waters, the following conditions would be required prior to issuance of land development permits, including clearing or grubbing and grading permits for any area impacting jurisdictional waters:</p> <ul style="list-style-type: none"> A total of 1.1 acres of wetlands shall be created. Prior to issuance of land development permits, including clearing or grubbing and grading permits that impacts jurisdictional waters, the developer(s) shall prepare a Wetlands Mitigation Plan to the satisfaction of the wetland resource agencies and the City's Director of Planning and Building. This plan shall include, but not be limited to, an implementation plan, maintenance and monitoring program, estimated completion time, and any relevant contingency measures. Prior to issuance of land development permits, including clearing or grubbing and grading permits for areas that impact jurisdictional waters, the property owner shall provide evidence that all required regulatory permits, such as those required under Section 404 of the federal Clean Water Act, Section 1600 of the California Fish and Game Code, and the Porter Cologne Water Quality Act. 	X				City of Chula Vista				
<p>5.3-12 One of the following options shall be implemented by the property owner(s) prior to issuance of land development permits, including clearing or grubbing and grading permits for areas impacting vernal pools:</p> <ol style="list-style-type: none"> Option #1: The property owner(s) shall restore 406 square feet of vernal pools within the J23, 24, or 25 pools (eastern Otay Mesa) or within the Village 13 (resort) planning area. The restoration would involve reconfiguration and reconstruction of the mima mounds and basins, removal of weedy vegetation, revegetation of the mounds with upland sage scrub species and inoculation of the pools with vernal 	X				City of Chula Vista				

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Mitigation Measure	Time Frame of Mitigation				Monitoring Reporting Agency	Time Frame for Verification Frequency to		Date of Completion	Date of Verification
	Planning	Pre-Const.	During Const.	Post Const.		Monitor	Report		
pool species. The property owner shall prepare a Vernal Pool Mitigation Plan to the satisfaction of the resource agencies (if applicable/jurisdictional) and the City's Director of Planning and Building. The Plan shall include, but not be limited to an implementation plan, maintenance and monitoring program, estimated completion time, and any relevant contingency measures. 2. Option #2: The project property owner(s) shall purchase vernal pool mitigation bank credits within an approved mitigation bank. Evidence of the purchase and appropriate monitoring and maintenance requirements shall be provided to the Director of Planning and Building.									
<i>Cultural Resources</i>									
5.4-1 In the event that in place preservation is infeasible, the following data recovery program will mitigate adverse impacts to SDI-12,291b. These tasks need to be completed prior to the issuance of grading permits for the portion of Village Three on which the site is located. a) Prior to the issuance of grading permits, a Registered Professional b) Archaeologist (RPA) shall prepare a research design for the data recovery of Site SDI-12,291b to the satisfaction of the Environmental Review Coordinator. This research design shall identify specific research questions to be addressed through the data recovery process, the data collection and analyses needed to address those questions, and the means and location of curation of recovered materials. This research design shall be prepared prior to the initiation of the field investigation to the satisfaction of the Environmental Review Coordinator of the City of Chula Vista. c) Based on the approved research design, an excavation program shall be implemented that will result in a reliable sample of the site. It is anticipated that between two and four percent of the surface area of the mapped resource would be excavated, and that excavation would be completed by hand excavated one-by-one meter units, unless the questions developed for the research design require a modified sampling strategy. All materials should be passed through a one-eighth-inch mesh screen, with all recovered materials catalogued and analyzed. If datable materials, faunal or floral remains, pollen, or other cultural significant materials are found, appropriate special analysis shall be completed. d) A detailed report of findings shall be completed and the results made available to the public and scientific community. Curation of recovered materials shall be accomplished to the satisfaction of the Environmental Review Coordinator of the City of Chula Vista. Curation of collections from the project will be curated in a facility approved in advance by the City.	X	X	X	X	City of Chula Vista				
5.4-2 A qualified archaeological monitor shall be on-site during initial grading of CA-SDI- 11,384H. If historic archaeological material is encountered during grading, all grading in the vicinity as determined and defined by the archaeologist shall stop and its importance shall be evaluated, and suitable mitigation measures shall be developed and implemented, if necessary. Cultural material collected shall be permanently curated at an appropriate repository. Curation of collections from the project will be curated in a facility approved in advance by the City.			X	X	City of Chula Vista				
<i>Geology and Soils</i>									
5.5-1 Prior to the issuance of the grading permit, the applicant(s) shall verify that the applicable recommendations of the preliminary geotechnical investigations for Villages Two and Three prepared by Geocon (August 18, 2003 and September 3, 2003, respectively) and the preliminary geotechnical investigation for the Parcel A portion of Village Three, prepared by Pacific Soils Engineering, Inc., (October 24, 2003) have been incorporated into the project design and construction documents to the satisfaction of the City Engineer. Recommendations include, but are not limited to: a) During construction liquefiable soils within the colluvium/alluvium shall be removed and replaced with compacted fill. b) During construction highly expansive soils shall be kept below finish grade. Where excavations expose highly expansive materials at finish grade, these materials shall be excavated a minimum of four feet below finish grade. Where excavations expose very highly expansive material at finish grade, these materials shall be excavated a minimum of five feet below finish grade. The excavations shall be replaced with a compacted fill soil that has a low to moderate expansion potential. c) During construction, the developer shall remove loose, compressible soils and replace as compacted fill in areas that will be subjected to new fill or structural loads. d) During grading the developer shall construct earthen buttresses on unstable slopes with drains installed, as warranted, at the rear of the buttresses to control groundwater. e) Grading of building pads shall be designed so that foundations bear entirely on a relatively uniform depth of compacted fill. This may be accomplished by overexcavating the cut portion of the building pad.	X	X	X		City of Chula Vista				
5.5-3 Prior to the issuance of the grading permit, the applicant(s) shall verify that the design of any structures would comply with the requirements of the Uniform Building Code and standard practices of the Association of Structural Engineers of California.	X				City of Chula Vista				

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Mitigation Measure	Time Frame of Mitigation				Monitoring Reporting Agency	Time Frame for Verification Frequency to		Date of Completion	Date of Verification
	Planning	Pre-Const.	During Const.	Post Const.		Monitor	Report		
<i>Paleontology</i>									
<p>5.6-1 Prior to approval of the grading permit, the applicant(s) shall incorporate into grading plans to the satisfaction of the City of Chula Vista's Engineer and Environmental Review Coordinator, the following:</p> <p>a) Prior to issuance of any grading permits, the applicant(s) shall confirm to the City of Chula Vista that a qualified paleontologist has been retained to carry out the following mitigation program. The paleontologist shall attend pregrade meetings to consult with grading and excavation contractors. (A qualified paleontologist is defined as an individual with a M.S. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques.)</p> <p>b) A paleontological monitor shall be on-site at all times during the original cutting of previously undisturbed sediments of highly sensitive geologic formations (i.e., Otay, Sweetwater, and San Diego Formations) to inspect cuts for contained fossils. The paleontological monitor shall work under the direction of a qualified paleontologist. The monitor shall be on-site on at least a half-time basis during the original cuts in deposits with a moderate resource sensitivity (i.e., Terrace Deposits). (A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials.) In the event that fossils are discovered in unknown sensitive formations, it may be necessary to increase the per-day field monitoring time. Conversely, if fossils are not discovered, the monitoring may be reduced.</p> <p>c) When fossils are discovered, the paleontologist (or paleontological monitor) shall recover them. In instances where recovery requires an extended salvage time, the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner. Where deemed appropriate by the paleontologist (or paleontological monitor), a screen-washing operation for small fossil remains shall be set up.</p> <p>d) Prepared fossils, along with copies of all pertinent field notes, photographs, and maps, shall be deposited (with the applicant(s) permission) in a scientific institution with paleontological collections. A final summary report shall be completed that outlines the results of the mitigation program. This report shall include discussion of the methods used, stratigraphy exposed, fossils collected, and significance of recovered fossils.</p>	X	X	X	X	City of Chula Vista				
<i>Agriculture</i>									
<p>5.7-1 The Agricultural Plan included in the SPA Plan shall be implemented as development proceeds in the proposed SPA Plan area. The following measures shall be implemented by the developer(s) to the satisfaction of the City of Chula Vista's Director of Planning and Building:</p> <p>a) A 200-foot buffer between developed property and ongoing agriculture operations shall be maintained. The use of pesticides shall comply with federal, state, and local regulations;</p> <p>b) Vegetation shall be used to shield adjacent urban development (within 400 feet) from agriculture activities where pesticides are to be applied;</p> <p>c) Notification shall be given to adjacent property owners of potential pesticide application through newspaper advertisements; and</p> <p>d) Fencing shall be installed, where necessary, to ensure the safety of the SPA Plan area residents.</p>	X	X	X		City of Chula Vista				
<i>Water Quality and Hydrology</i>									
<p>5.9-1 Prior to issuance of each grading permit, a detailed drainage system design study shall be prepared to the satisfaction of the City Engineer and shall include but not be limited to:</p> <p>a) Peak runoff at each inlet, outlet, interceptor, concentration, or confluence point, both predevelopment and post development conditions;</p> <p>b) The integration of the proposed system with the existing and proposed downstream drainage facilities to effectively control flows within the entire system; and</p> <p>c) Maps showing existing and post development conditions for existing topography and proposed grading plans incorporating a drainage system design with main lines and detention/desilting facilities pursuant to Section 3-202.1 of the Chula Vista Subdivision Manual; and on-site detention/desilting facilities shall be incorporated in the design for the various phases of construction and postconstruction.</p>	X				City of Chula Vista				
<p>5.9-2 Prior to the issuance of the first grading permit, the applicant(s) shall submit a SWPPP including assignment of maintenance responsibilities for review and approval by the City Engineer and the Director of Public Works. The SWPPP shall be consistent and fully comply with the requirements of the Clean Water Act and all requirements set forth in the General Construction Permit; the City of Chula Vista Storm Water Management and Discharge Control Ordinance (Storm Water Management Ordinance), the City of Chula Vista Standard Urban Stormwater Management Plan (SUSMP), and the City of Chula Vista Development and Redevelopment Projects Storm Water Management Standards Requirements Manual (Storm Water Management Manual). BMPs identified in the SWPPP shall include but shall not be limited to the following:</p> <p>a) Temporary erosion control measures designed in accordance with the City of Chula Vista Grading Ordinance shall be employed for</p>	X	X	X		City of Chula Vista				

**Table 2
Mitigation Monitoring and Reporting Program (Applicable 2006 EIR Mitigation Measures)**

Mitigation Measure	Time Frame of Mitigation				Monitoring Reporting Agency	Time Frame for Verification Frequency to		Date of Completion	Date of Verification
	Planning	Pre-Const.	During Const.	Post Const.		Monitor	Report		
disturbed areas and shown on the grading plans. b) No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months. c) Sediment will be retained on-site by a system of sediment basins, traps, or other appropriate measures, and shown on the grading plans. d) Silt and oil and other contaminants will be prevented from entering the storm drain system or removed from the system, by a means acceptable to the City Engineer. Storm drain inlets shall be labeled "No Dumping-Drains to Ocean." e) All parking lots shall be designed to allow storm water runoff to be directed to vegetative filter strips or oil-water separators to control sediment, oil, and other contaminants. f) Permanent energy dissipaters will be included for drainage outlets. g) A combination of on-site structural and non-structural BMPs for the treatment of urban pollutants in compliance with the Municipal Permit.									
5.9-3 Prior to the issuance of all subsequent permits and approvals associated with the project including but not limited to improvement plan approvals, construction permits, site plan approvals, design review approvals, conditional use permits, grading permits, the applicant of such permits, and/or approvals shall comply with the Clean Water Act, the Municipal permit, the General Construction Permit, and the Storm Water Management Ordinance and submit a SWPPP prior to the issuance of such permits and/or approvals in compliance with the City's Storm Water Management Manual and the SUSMP.	X				City of Chula Vista				
<i>Air Quality</i>									
5.11-1 Prior to the approval of building permits for each phase of the project, the applicant(s) shall demonstrate that air and energy conservation control measures outlined in the SPA Plan Air Quality Improvement Plan pertaining to the design, construction, and operational phases of the project have been implemented.	X				City of Chula Vista				
5.11-2 Prior to the approval of any grading permit, the following measures shall be placed as notes on all grading plans, and shall be implemented during grading of each phase of the project to minimize construction emissions: a) Minimize simultaneous operation of multiple construction equipment units; b) Use low pollutant-emitting equipment construction equipment as practical; c) Use electrical construction equipment as practical; d) Use catalytic reduction for gasoline-powered equipment; e) Use injection timing retard for diesel-powered equipment; f) Water the construction areas a minimum of twice daily to minimize fugitive dust; g) Stabilize graded areas as quickly as possible to minimize fugitive dust; h) Pave permanent roads as quickly as possible to minimize dust; i) Use electricity from power poles instead of temporary generators during building, as feasible; j) Apply chemical stabilizer or pave the last 100 feet of internal travel path within the construction site prior to public road entry; k) Install wheel washers adjacent to a paved apron prior to vehicle entry on public roads; l) Remove any visible track-out into traveled public streets within 30 minutes of occurrence; m) Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred; n) Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads; o) Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling; and p) Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 mph.	X	X	X		City of Chula Vista				
<i>Public Services and Utilities</i>									
<i>Water</i>									
5.13.1-1 Prior to the approval of the first final map, a final Subarea Master Plan (SAMP) shall be required for the project. The SAMP shall include the following: <ul style="list-style-type: none"> • Existing pipeline locations, size, and capacity • The proposed points of connection and system • The estimated water demands and/or sewer flow calculated • Governing fire department's fire flow requirements (flow rate, duration, hydrant spacing, etc) • Agency's Master Plan • Agency's planning criteria (see Sections 4.1 through 4.3 of the Water Agencies' Standards) 	X				City of Chula Vista				

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Mitigation Measure	Time Frame of Mitigation				Monitoring Reporting Agency	Time Frame for Verification Frequency to		Date of Completion	Date of Verification
	Planning	Pre-Const.	During Const.	Post Const.		Monitor	Report		
<ul style="list-style-type: none"> Water quality maintenance Size of system and number of lots to be served Water facilities improvements shall be financed or installed on-site and off-site in accordance with the SAMP.									
5.13.1-2 Prior to the approval of the first final map, the applicant(s) shall secure and agree with the Otay Water District to construct all potable water facilities (on-site and off-site) required to serve the project. These water facilities improvements shall be financed or installed on-site and off-site in accordance with the fees and phasing in the approved Public Facilities Finance Plans for the SPA Plan.	X				City of Chula Vista				
<i>Recycled Water</i>									
5.13.2-1 Prior to the approval of the first final map, a final Subarea Master Plan (SAMP) shall be required for the project. The SAMP shall include the following: <ul style="list-style-type: none"> Existing pipeline locations, size, and capacity The proposed points of connection and system The estimated water demands and/or sewer flow calculated Governing fire department's fire flow requirements (flow rate, duration, hydrant spacing, etc) Agency's Master Plan Agency's planning criteria (see Sections 4.1 through 4.3 of the Water Agencies' Standards) Water quality maintenance Size of system and number of lots to be served Water facilities improvements shall be financed or installed on-site and off-site in accordance with the SAMP.	X				City of Chula Vista				
5.13.2-2 Recycled water facility improvements shall be financed or installed on- and off-site in accordance with the fees and phasing in the approved PFFP for the Villages Two, Three, and a portion of Four SPA Plan.	X				City of Chula Vista				
<i>Sewer</i>									
5.13.3-1 Sewer facility improvements shall be financed or installed on-site and off-site in accordance with the fees and phasing in the approved Public Facilities Financing Plan.	X				City of Chula Vista				
5.13.3-2 Prior to the recordation of the first Final Map or grading permit that creates any parcel located within the Wolf Canyon/Salt Creek Sewer Basin, the City Engineer shall be satisfied that the connections to the gravity sewer system from the southern portion of Village Two have been designed and secured to convey flow to Heritage Road and southerly to the Salt Creek Interceptor.	X				City of Chula Vista				
5.13.3-3 In order to ensure the timely construction of the Heritage Road regional facility, prior to the first final map that creates any parcel located within the Wolf Canyon/Salt Creek Sewer Basin, the necessary right-of-way for constructing full street improvements within the SPA Plan boundary shall be granted to the City.	X				City of Chula Vista				
<i>Police</i>									
5.13.5-1 Prior to the approval of each building permit, the applicant(s) shall pay Public Facilities Development Impact Fees (PFDIF). The proposed Public Facilities Financing Plan describes public facilities fees for police services based on equivalent dwelling units by development phase. The applicant(s) shall pay the public facilities fees at the rate in effect at the time building permits are issued.	X				City of Chula Vista				
5.13.5-2 The City of Chula Vista shall continue to monitor the Chula Vista Police Department responses to emergency calls and report the results to the Growth Management Oversight Committee on an annual basis.				X	City of Chula Vista				
<i>Fire Protection</i>									
5.13.6-1 Prior to the approval of each building permit, the applicant(s) shall pay Public Facilities Development Impact Fee (PFDIF) at the rate in effect at the time of building permit issuance.	X				City of Chula Vista				
5.13.6-2 The City of Chula Vista shall continue to monitor Chula Vista Fire Department responses to emergency fire and medical calls and report the results to the Growth Management Oversight Committee on an annual basis.				X	City of Chula Vista				
<i>Schools</i>									
5.13.7-1 Prior to the issuance of building permits, the applicant(s) shall pay all required school mitigation fees or enter into an agreement to help finance the needed facilities and services for the Chula Vista Elementary School District to the satisfaction of the School District.	X				City of Chula Vista and Chula Vista Elementary School District				

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Mitigation Measure	Time Frame of Mitigation				Monitoring Reporting Agency	Time Frame for Verification Frequency to		Date of Completion	Date of Verification
	Planning	Pre-Const.	During Const.	Post Const.		Monitor	Report		
5.13.7-2 Prior to the issuance of building permits, the applicant(s) shall pay all required school mitigation fees or enter into an agreement to help finance the needed facilities and services for the Sweetwater Union High School District to the satisfaction of the School District.	X				City of Chula Vista and Sweetwater Union High School District				
<i>Libraries</i>									
5.13.8-1 Prior to approval of each building permit, the applicant(s) shall pay Public Facilities Development Impact Fees. Prior to the issuance of building permits, Applicants shall pay required Public Facility Development Impact fees at the rate in effect at the time of permit issuance.	X				City of Chula Vista				
<i>Parks and Recreation</i>									
5.13.9-1 Prior to the approval of the first final map, the applicant(s) shall dedicate neighborhood and community parkland. Prior to approval of the final map, or for projects not requiring a final map, prior to building permit, the applicant(s) shall pay park development fees; and prior to building permit the applicant(s) shall pay recreation development impact fees in accordance with the fees and phasing approved in the Public Facilities Financing Plan for the SPA Plan.	X				City of Chula Vista				
<i>Hazards and Risk of Upset</i>									
5.14-1 If soil is to be exported from the site during proposed grading and other construction activities, it should be characterized prior to proposed off-site use or disposal and handled in accordance with applicable environmental laws and regulations. In addition, contractors performing proposed grading and construction activities should employ adequate dust control measures to minimize exposure to soil and dust at the site.			X		City of Chula Vista				
5.14-2 If soil exhibiting hydrocarbon staining and/or odors are encountered at the site during grading and/or construction, the soil should be evaluated by a qualified professional (such as a professional engineer, registered geologist, or registered environmental assessor experienced in hazardous waste evaluations) and handled in accordance with applicable environmental laws and regulations.			X		City of Chula Vista				